

1 HOUSE BILL 342

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

3 INTRODUCED BY

4 Rodolpho "Rudy" S. Martinez

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10 AN ACT

11 RELATING TO CHILDREN; REVISING DEFINITIONS IN THE PUBLIC HEALTH
12 ACT TO INCLUDE CERTAIN RESIDENTIAL PLACEMENTS FOR CHILDREN;
13 DECLARING AN EMERGENCY.

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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 24-1-2 NMSA 1978 (being Laws 1973,
17 Chapter 359, Section 2, as amended by Laws 2007, Chapter 325,
18 Section 6 and by Laws 2007, Chapter 326, Section 1) is amended
19 to read:

20 "24-1-2. DEFINITIONS.--As used in the Public Health Act:

21 A. "department" or "division" means:

22 (1) the children, youth and families

23 department ~~[as]~~ or a division within that department, when
24 reference is made to child care centers, residential treatment
25 centers that serve persons up to twenty-one years of age,

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underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 community mental health centers that serve only persons up to
2 twenty-one years of age, day treatment centers that serve
3 persons up to twenty-one years of age, shelter care homes
4 [~~and~~], those outpatient facilities that are also community-
5 based behavioral health facilities serving only persons up to
6 twenty-one years of age and any other program, including a
7 person, place or program that, for a fee, donation or
8 scholarship, accepts custody, care or control, including
9 temporary guardianship, of children and that provides residence
10 for children for a period that exceeds sixty days in a twelve-
11 month period; or

12 (2) the department of health [~~as~~] or a
13 division within that department, when reference is made to all
14 other health facilities, unless otherwise designated;

15 B. "director" means the secretary;

16 C. "person", when used without further
17 qualification, means an individual or any other form of entity
18 recognized by law;

19 D. "health facility" means a public hospital,
20 profit or nonprofit private hospital, general or special
21 hospital, outpatient facility, maternity home or shelter, adult
22 daycare facility, nursing home, intermediate care facility,
23 boarding home not under the control of an institution of higher
24 learning, child care center, shelter care home, diagnostic and
25 treatment center, rehabilitation center, infirmary, community

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underscored material = new
[bracketed material] = delete

1 mental health center that serves both children and adults or
2 adults only, residential treatment center that serves persons
3 up to twenty-one years of age, community mental health center
4 that serves only persons up to twenty-one years of age [~~and~~],
5 day treatment center that serves persons up to twenty-one years
6 of age [~~or~~], a health service organization operating as a
7 freestanding hospice or a home health agency and any other
8 program, including a person, place or program that, for a fee,
9 donation or scholarship, accepts custody, care or control,
10 including temporary guardianship, of children and that provides
11 residence for children for a period that exceeds sixty days in
12 a twelve-month period. The designation of these entities as
13 health facilities is only for the purposes of definition in the
14 Public Health Act and does not imply that a free-standing
15 hospice or a home health agency is considered a health facility
16 for the purposes of other provisions of state or federal laws.
17 "Health facility" also includes those facilities that, by
18 federal regulation, must be licensed by the state to obtain or
19 maintain full or partial, permanent or temporary federal
20 funding. [~~It~~] "Health facility" does not include the offices
21 and treatment rooms of licensed private practitioners; and
22 E. "secretary" means:
23 (1) the secretary of children, youth and
24 families [~~as~~] when reference is made to child care centers,
25 residential treatment centers that serve persons up to twenty-

.196020.1

underscored material = new
~~[bracketed material] = delete~~

1 one years of age, community mental health centers that serve
2 only persons up to twenty-one years of age, day treatment
3 centers that serve persons up to twenty-one years of age,
4 shelter care homes [~~and~~], those outpatient facilities that are
5 also community-based behavioral health facilities serving only
6 persons up to twenty-one years of age and any other program,
7 including a person, place or program that, for a fee, donation
8 or scholarship, accepts custody, care or control, including
9 temporary guardianship, of children and that provides residence
10 for children for a period that exceeds sixty days in a twelve-
11 month period; or

12 (2) the secretary of health [~~as~~] when
13 reference is made to all other health facilities."

14 SECTION 2. EMERGENCY.--It is necessary for the public
15 peace, health and safety that this act take effect immediately.

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