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FISCAL IMPACT REPORT

ORIGINAL DATE 2/5/15
 LAST UPDATED 2/18/15 HB _____

SPONSOR Beffort

SHORT TITLE Residential Child Placement in Health Act SB 188/aSPAC

ANALYST Klundt

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Children, Youth and Families Department (CYFD)
 Department of Health (DOH)

SUMMARY

Synopsis of SPAC amendment

The Senate Public Affairs Committee amendment to Senate Bill 188 changes the criteria for when a program would be defined as a “wilderness youth program”. The amendment requires for a program to be considered a wilderness youth program, it must first be a business or organization that provides residence to and accepts custody, care, or control, including temporary guardianship, of a child for the purposes of behavior modification. Then the program must meet two additional criteria: it must charge a fee or accept donations or scholarships for its services, and it must prohibit the child from leaving of his or her own volition.

Synopsis of Bill

Senate Bill 188 would revise the definition section of the Public Health Act to include a definition of a "wilderness youth program" and provides the Children, Youth and Families Department (CYFD) with the authority to regulate wilderness youth programs. Wilderness youth programs that meet the defining criteria contained within the bill would be considered health facilities and would be subject to the Public Health Act. The bill contains an Emergency Clause.

FISCAL IMPLICATIONS

No fiscal implications have been identified at this time.

SIGNIFICANT ISSUES

This bill allows CYFD to monitor the health and safety of children in out-of-home placements that are not currently covered by statute. Currently, as programs of this nature are not currently covered by statute, any access CYFD has to monitor the health and safety of children placed in them is entirely at the goodwill of the program's operator, or by involving local law enforcement. The agency reported that this has resulted in situations where CYFD has been unable to investigate allegations of child abuse or neglect.

The Department of Health (DOH) reported however that there may be a potential unintended consequence of the bill applying to programs other than wilderness youth programs due to broad definition of wilderness youth program. This bill broadly defines wilderness youth programs to include any businesses or organizations that provide resident to and accept custody, care, or control of a child for the purpose of behavior modification. By this definition, no wilderness or experiential component is required for a program to meet the definition and thereby fall under the authority of CYFD. The definition of "wilderness youth program" does not require the program to have a wilderness or experiential learning component to the program.

ADMINISTRATIVE IMPLICATIONS

CYFD reported that all additional work generated through the licensure of these programs, including development of regulations and assessment protocols could be absorbed by existing resources.

CONFLICT

This bill conflicts with SB 140, which attempts to establish oversight of similar programs through a different mechanism in a different section of statute.

KK/bb/je