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AN ACT

RELATING TO MENTAL HEALTH; AMENDING AND ENACTING SECTIONS OF THE MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES CODE; DEFINING "CRISIS TRIAGE CENTER"; AUTHORIZING PEACE OFFICERS TO BRING INDIVIDUALS IN CRISIS TO CRISIS TRIAGE CENTERS FOR MENTAL STATUS EXAMINATIONS; AUTHORIZING CRISIS TRIAGE CENTERS TO INVOLUNTARILY ADMIT CERTAIN INDIVIDUALS IN CRISIS AND TO PROVIDE INVOLUNTARY TREATMENT TO CERTAIN INDIVIDUALS IN CRISIS.

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

SECTION 1. A new section of the Mental Health and Developmental Disabilities Code is enacted to read:

"CRISIS TRIAGE CENTERS--ADMISSION OR TREATMENT.--A crisis triage center may accept:

- A. voluntary admissions;
- B. individuals who are voluntarily seeking treatment;
- C. involuntary admissions; and
- D. individuals who are not voluntarily seeking treatment."

SECTION 2. Section 43-1-3 NMSA 1978 (being Laws 1977, Chapter 279, Section 2, as amended) is amended to read:

"43-1-3. DEFINITIONS.--As used in the Mental Health and Developmental Disabilities Code:

1           A. "aversive stimuli" means anything that, because  
2 it is believed to be unreasonably unpleasant, uncomfortable  
3 or distasteful to the client, is administered or done to the  
4 client for the purpose of reducing the frequency of a  
5 behavior, but does not include verbal therapies, physical  
6 restrictions to prevent imminent harm to self or others or  
7 psychotropic medications that are not used for purposes of  
8 punishment;

9           B. "client" means any patient who is requesting or  
10 receiving mental health services or any person requesting or  
11 receiving developmental disabilities services or who is  
12 present in a mental health or developmental disabilities  
13 facility for the purpose of receiving such services or who  
14 has been placed in a mental health or developmental  
15 disabilities facility by the person's parent or guardian or  
16 by any court order;

17           C. "code" means the Mental Health and  
18 Developmental Disabilities Code;

19           D. "consistent with the least drastic means  
20 principle" means that the habilitation or treatment and the  
21 conditions of habilitation or treatment for the client,  
22 separately and in combination:

23                 (1) are no more harsh, hazardous or  
24 intrusive than necessary to achieve acceptable treatment  
25 objectives for the client;

1 (2) involve no restrictions on physical  
2 movement and no requirement for residential care except as  
3 reasonably necessary for the administration of treatment or  
4 for the protection of the client or others from physical  
5 injury; and

6 (3) are conducted at the suitable available  
7 facility close to the client's place of residence;

8 E. "convulsive treatment" means any form of mental  
9 health treatment that depends upon creation of a convulsion  
10 by any means, including but not limited to electroconvulsive  
11 treatment and insulin coma treatment;

12 F. "court" means a district court of New Mexico;

13 G. "crisis triage center" means a health facility  
14 that:

15 (1) is licensed by the department of health;  
16 and

17 (2) provides stabilization of behavioral  
18 health crises and may include residential and nonresidential  
19 stabilization;

20 H. "department" or "division" means the behavioral  
21 health services division of the human services department;

22 I. "developmental disability" means a disability  
23 of a person that is attributable to mental retardation,  
24 cerebral palsy, autism or neurological dysfunction that  
25 requires treatment or habilitation similar to that provided

1 to persons with mental retardation;

2 J. "evaluation facility" means a community mental  
3 health or developmental disability program, a crisis triage  
4 center or a medical facility that has psychiatric or  
5 developmental disability services available, including the  
6 New Mexico behavioral health institute at Las Vegas, the Los  
7 Lunas medical center, or, if none of the foregoing is  
8 reasonably available or appropriate, the office of a  
9 physician or a certified psychologist, and that is capable of  
10 performing a mental status examination adequate to determine  
11 the need for involuntary treatment;

12 K. "experimental treatment" means any mental  
13 health or developmental disabilities treatment that presents  
14 significant risk of physical harm, but does not include  
15 accepted treatment used in competent practice of medicine and  
16 psychology and supported by scientifically acceptable  
17 studies;

18 L. "grave passive neglect" means failure to  
19 provide for basic personal or medical needs or for one's own  
20 safety to such an extent that it is more likely than not that  
21 serious bodily harm will result in the near future;

22 M. "habilitation" means the process by which  
23 professional persons and their staff assist a client with a  
24 developmental disability in acquiring and maintaining those  
25 skills and behaviors that enable the person to cope more

1 effectively with the demands of the person's self and  
2 environment and to raise the level of the person's physical,  
3 mental and social efficiency. "Habilitation" includes but is  
4 not limited to programs of formal, structured education and  
5 treatment;

6 N. "likelihood of serious harm to oneself" means  
7 that it is more likely than not that in the near future the  
8 person will attempt to commit suicide or will cause serious  
9 bodily harm to the person's self by violent or other self-  
10 destructive means, including grave passive neglect;

11 O. "likelihood of serious harm to others" means  
12 that it is more likely than not that in the near future a  
13 person will inflict serious, unjustified bodily harm on  
14 another person or commit a criminal sexual offense, as  
15 evidenced by behavior causing, attempting or threatening such  
16 harm, which behavior gives rise to a reasonable fear of such  
17 harm from the person;

18 P. "mental disorder" means substantial disorder of  
19 a person's emotional processes, thought or cognition that  
20 grossly impairs judgment, behavior or capacity to recognize  
21 reality, but does not mean developmental disability;

22 Q. "mental health or developmental disabilities  
23 professional" means a physician or other professional who by  
24 training or experience is qualified to work with persons with  
25 a mental disorder or a developmental disability;

1           R. "physician" or "certified psychologist", when  
2 used for the purpose of hospital admittance or discharge,  
3 means a physician or certified psychologist who has been  
4 granted admitting privileges at a hospital licensed by the  
5 department of health, if such privileges are required;

6           S. "protected health information" means  
7 individually identifiable health information transmitted by  
8 or maintained in an electronic form or any other form or  
9 media that relates to the:

10                   (1) past, present or future physical or  
11 mental health or condition of an individual;

12                   (2) provision of health care to an  
13 individual; or

14                   (3) payment for the provision of health care  
15 to an individual;

16           T. "psychosurgery":

17                   (1) means those operations currently  
18 referred to as lobotomy, psychiatric surgery and behavioral  
19 surgery and all other forms of brain surgery if the surgery  
20 is performed for the purpose of the following:

21                           (a) modification or control of  
22 thoughts, feelings, actions or behavior rather than the  
23 treatment of a known and diagnosed physical disease of the  
24 brain;

25                           (b) treatment of abnormal brain

1 function or normal brain tissue in order to control thoughts,  
2 feelings, actions or behavior; or

3 (c) treatment of abnormal brain  
4 function or abnormal brain tissue in order to modify  
5 thoughts, feelings, actions or behavior when the abnormality  
6 is not an established cause for those thoughts, feelings,  
7 actions or behavior; and

8 (2) does not include prefrontal sonic  
9 treatment in which there is no destruction of brain tissue;

10 U. "qualified mental health professional licensed  
11 for independent practice" means an independent social worker,  
12 a licensed professional clinical mental health counselor, a  
13 marriage and family therapist, a certified nurse  
14 practitioner, a clinical nurse specialist with a specialty in  
15 mental health or a licensed art therapist, all of whom by  
16 training and experience are qualified to work with persons  
17 with a mental disorder;

18 V. "residential treatment or habilitation program"  
19 means diagnosis, evaluation, care, treatment or habilitation  
20 rendered inside or on the premises of a mental health or  
21 developmental disabilities facility, hospital, clinic,  
22 institution or supervisory residence or nursing home when the  
23 client resides on the premises; and

24 W. "treatment" means any effort to accomplish a  
25 significant change in the mental or emotional condition or

1 behavior of the client." \_\_\_\_\_

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