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SENATE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Gerald Ortiz y Pino and Kathleen Cates

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO HEALTH; PREVENTING THE RESTRICTION OF MEDICATION-
ASSISTED TREATMENT FOR MINORS IN INPATIENT AND OUTPATIENT
SUBSTANCE ABUSE TREATMENT FACILITIES AND PROGRAMS THAT ARE
OPERATED OR FUNDED BY THE STATE; CREATING THE EVIDENCE-BASED
ADDICTION TREATMENT FOR MINORS FUND; MAKING AN APPROPRIATION.

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

SECTION 1. [NEW MATERIAL] DEFINITIONS.--As used in
Sections 1 through 3 of this act:

A. "evidence-based" means a course of treatment
that is supported by research, clinical expertise and the needs
of a patient;

B. "inpatient substance abuse treatment facility"
means a residential facility that operates twenty-four hours
per day and provides intensive management of symptoms related

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1 to addiction and monitoring of the physical and mental
2 complications resulting from substance use;

3 C. "medication-assisted treatment" means the use of
4 federal-food-and-drug-administration-approved prescription
5 drugs for the treatment of substance use disorder;

6 D. "minor" means an individual who is under
7 eighteen years of age; and

8 E. "outpatient substance abuse treatment program"
9 means a program that offers resources, counseling and substance
10 abuse treatment on an outpatient basis.

11 SECTION 2. ~~[NEW MATERIAL]~~ MEDICATION-ASSISTED TREATMENT
12 FOR MINORS IN INPATIENT SUBSTANCE ABUSE TREATMENT FACILITIES
13 AND OUTPATIENT SUBSTANCE ABUSE TREATMENT PROGRAMS.--

14 A. By the end of fiscal year 2025, the department
15 of health and the children, youth and families department shall
16 not operate or contract with an inpatient substance abuse
17 treatment facility or outpatient substance abuse treatment
18 program that has policies or procedures that restrict the use
19 of medication-assisted treatment for the treatment of substance
20 use disorder in minor patients.

21 B. Beginning July 1, 2026, an inpatient substance
22 abuse treatment facility or outpatient substance abuse
23 treatment program that has policies or procedures that restrict
24 the use of medication-assisted treatment for the treatment of
25 substance use disorder in minor patients shall not be eligible

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1 for reimbursement from the state's medicaid program for
2 services rendered to minors.

3 C. No later than December 1, 2024, the health care
4 authority department shall promulgate rules for the operation
5 of medication-assisted treatment programs in inpatient
6 substance abuse treatment facilities and outpatient substance
7 abuse treatment programs in consultation with the department of
8 health, the children, youth and families department, inpatient
9 substance abuse treatment facility administrators, outpatient
10 substance abuse treatment program administrators and health
11 care providers with experience treating substance use disorder
12 among minor patients.

13 D. Beginning October 1, 2024 and annually
14 thereafter, the health care authority department shall report
15 to the interim legislative health and human services committee
16 on the availability of medication-assisted treatment for minor
17 patients at inpatient substance abuse treatment facilities and
18 outpatient substance abuse treatment programs.

19 SECTION 3. [NEW MATERIAL] EVIDENCE-BASED ADDICTION
20 TREATMENT FOR MINORS FUND--CREATED.--

21 A. The "evidence-based addiction treatment for
22 minors fund" is created as a nonreverting fund in the state
23 treasury. The fund consists of appropriations, gifts, grants
24 and donations. The health care authority department shall
25 administer the fund, and money in the fund is appropriated to

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1 the health care authority department to assist the children,
2 youth and families department, the department of health and
3 licensed substance abuse treatment providers to establish and
4 operate medication-assisted treatment programs for minors.
5 Disbursements from the fund shall be made by warrants of the
6 secretary of finance and administration pursuant to vouchers
7 signed by the secretary of health care authority.

8 B. No later than December 1, 2024, the health care
9 authority department shall promulgate rules for the
10 disbursement of money from the fund, including eligibility
11 criteria for receiving money from the fund.