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HOUSE BILL 222

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

Jason C. Harper and Mary Kay Papen

AN ACT

RELATING TO MENTAL HEALTH; CREATING COMMUNITY ENGAGEMENT TEAMS TO ENGAGE AND ASSIST PERSONS UNLIKELY TO LIVE SAFELY IN THE COMMUNITY BUT WHO DO NOT IMMEDIATELY REQUIRE INPATIENT OR EMERGENCY CARE; MAKING THE BEHAVIORAL HEALTH SERVICES DIVISION OF THE HUMAN SERVICES DEPARTMENT RESPONSIBLE FOR OVERSIGHT OF COMMUNITY ENGAGEMENT TEAMS; REQUIRING THE DIVISION TO ESTABLISH A COMMUNITY ENGAGEMENT TEAM PILOT PROJECT.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Community Engagement Team Act".

SECTION 2. [NEW MATERIAL] PURPOSE.--The purpose of the Community Engagement Team Act is to:

A. utilize community outreach to engage and link a person with a serious mental disorder or illness who is

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1 unlikely to live safely in the community to voluntary treatment  
2 and other services;

3 B. reduce the rate of intervention by law  
4 enforcement, involuntary hospitalization or incarceration  
5 through early outreach to prevent or lessen the mental  
6 deterioration of persons with a serious mental disorder or  
7 illness who are unlikely to live safely in the community; and

8 C. lessen the duration and severity of a mental  
9 disorder or illness of persons with a serious mental disorder  
10 or illness who are unlikely to live safely in the community  
11 through early detection and targeted intervention.

12 SECTION 3. [NEW MATERIAL] DEFINITIONS.--As used in the  
13 Community Engagement Team Act:

14 A. "case manager" means a person with specific  
15 skills, training and knowledge in mental health who manages and  
16 coordinates mental health resources and services;

17 B. "collaborative" means the interagency behavioral  
18 health purchasing collaborative;

19 C. "community engagement team" means a group of  
20 persons who are qualified by training or experience and who  
21 assist in the engagement of persons who:

22 (1) have a mental disorder or illness; and

23 (2) are unlikely to live safely in the  
24 community without treatment or support services, but who do not  
25 immediately require inpatient or emergency care;

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1           D. "division" means the behavioral health services  
2 division of the human services department;

3           E. "mental disorder or illness" means a substantial  
4 disorder of a person's emotional processes, thought or  
5 cognition that grossly impairs judgment, behavior or capacity  
6 to recognize reality, but does not mean developmental  
7 disability;

8           F. "peer" means a person who has received mental  
9 health treatment for a mental disorder or illness;

10          G. "performance improvement" means a process  
11 designed to achieve significant improvement over a sustained  
12 period of time through ongoing measurement and analysis;

13          H. "qualified mental health professional licensed  
14 for independent practice" means a physician, psychologist,  
15 independent social worker, licensed professional clinical  
16 mental health counselor, marriage and family therapist,  
17 certified nurse practitioner or clinical nurse specialist with  
18 a specialty in mental health, who by training and experience is  
19 qualified to work with persons with a mental disorder or  
20 illness;

21          I. "treatment" means any effort to accomplish a  
22 significant change in the mental or emotional condition or  
23 behavior of a person with a mental disorder or illness; and

24          J. "unlikely to live safely in the community" means  
25 that, based upon a determination by a community engagement

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1 team, there is a substantial probability that, without  
2 treatment or support services, a person will suffer mental  
3 distress and experience deterioration of the ability to  
4 function independently and to consistently maintain the  
5 person's health, safety or welfare, as evidenced by a pattern  
6 of behavior in the preceding thirty days showing an inability  
7 to refrain from behavior that threatens or endangers the person  
8 or others.

9 SECTION 4. [NEW MATERIAL] COMMUNITY ENGAGEMENT TEAM  
10 CREATED.--

11 A. A community engagement team shall work with  
12 persons with a mental disorder or illness, or co-occurring  
13 disorder, who are unlikely to live safely in the community and  
14 shall not work with persons whose sole diagnosis is a  
15 developmental disability, intellectual disability or brain  
16 injury.

17 B. A community engagement team may be a public or  
18 private entity or a public-private partnership.

19 C. A community engagement team shall have at least  
20 one member who is a qualified mental health professional  
21 licensed for independent practice and may include members who  
22 are peers, case managers, community support workers or core  
23 service workers acting under the supervision of a qualified  
24 mental health professional licensed for independent practice.

25 D. In the absence of good cause given to the

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1 division, a community engagement team shall have at least one  
2 peer who lives with a mental disorder or illness as a member of  
3 the team.

4 E. A community engagement team is not intended to  
5 be a treatment provider and is intended to function as a link  
6 to treatment or support services.

7 SECTION 5. [NEW MATERIAL] ACTIVITIES OF A COMMUNITY  
8 ENGAGEMENT TEAM.--A community engagement team shall:

9 A. determine whether a person for whom community  
10 engagement team services are sought is unlikely to live safely  
11 in the community;

12 B. make reasonable efforts to encourage a person  
13 who is unlikely to live safely in the community to voluntarily  
14 consent to assessment for treatment or support services;

15 C. assist a person who is unlikely to live safely  
16 in the community to access appropriate treatment and support  
17 services to enable the person to continue to live in the  
18 community, including providing links to resources for housing,  
19 food, transportation, mental health or other health treatment;  
20 and

21 D. strive to provide culturally appropriate  
22 services to the persons it serves.

23 SECTION 6. [NEW MATERIAL] DIVISION RESPONSIBILITIES.--

24 A. The division shall authorize the formation of  
25 community engagement teams to work with persons who are

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1 unlikely to live safely in the community.

2 B. The division shall:

3 (1) be responsible for oversight of community  
4 engagement teams;

5 (2) report annually on the community  
6 engagement teams operating throughout the state under its  
7 supervision to the legislative health and human services  
8 committee, to the legislative finance committee and to the  
9 appropriate interim committee that studies courts and  
10 corrections;

11 (3) make information regarding community  
12 engagement teams, including a current directory of community  
13 engagement teams throughout the state, available to the public  
14 online; and

15 (4) promulgate rules necessary or appropriate  
16 to implement the provisions of this section.

17 SECTION 7. [NEW MATERIAL] CONFIDENTIALITY.--A community  
18 engagement team established pursuant to the Community  
19 Engagement Team Act and pursuant to rules promulgated by the  
20 division shall be considered a provider of services consistent  
21 with federal and state confidentiality laws.

22 SECTION 8. [NEW MATERIAL] COMMUNITY ENGAGEMENT TEAM PILOT  
23 PROJECT.--

24 A. By January 1, 2016, the division shall establish  
25 a five-year community engagement team pilot project.

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1           B. The division may contract with community  
2 engagement team entities that are public, private or public-  
3 private partnerships.

4           C. Community engagement teams participating in the  
5 pilot project may be funded in whole or in part from sources  
6 other than the state.

7           D. The division shall incorporate telehealth into  
8 the pilot project, including:

9                   (1) the establishment of a twenty-four-hour  
10 hotline for community engagement team members to consult with a  
11 mental health professional;

12                   (2) the use of distance technology and the  
13 internet to leverage scarce health care resources in the area  
14 of behavioral health; and

15                   (3) the use of teleconferencing to train rural  
16 providers to integrate best practice screening and treatment  
17 protocols.

18           E. The division, in consultation with the  
19 collaborative, shall adopt standards for the pilot project  
20 community engagement teams, and each community engagement team  
21 shall be contractually required to meet such standards.

22           F. The division shall adopt metrics, after  
23 consultation with the performance improvement committee, to  
24 evaluate the effectiveness of community engagement teams  
25 participating in the pilot project and shall require community

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1 engagement teams to report such data as are necessary to  
2 measure the effectiveness of community engagement teams in  
3 reducing involuntary admissions for evaluation or treatment,  
4 intervention by law enforcement and detention in correctional  
5 facilities.

6 G. From July 1, 2015 through June 30, 2016:

7 (1) the division and the collaborative shall  
8 meet and confer with parties interested in participating in the  
9 pilot project;

10 (2) in consultation with the collaborative,  
11 the division shall develop standards for community engagement  
12 teams;

13 (3) the division shall develop plans and a  
14 budget for the implementation of the pilot project; and

15 (4) the division shall select sites for the  
16 pilot project.

17 H. Within thirty days of the effective date of the  
18 Community Engagement Team Act, the division shall convene a  
19 performance improvement committee facilitated by a not-for-  
20 profit health care organization that leads the aligning forces  
21 for quality initiative in New Mexico to ensure a thorough and  
22 unbiased evaluation of the pilot project established under the  
23 Community Engagement Team Act.

24 I. The committee shall include a representative  
25 from each of the following:

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- 1 (1) the administrative office of the courts;  
2 (2) the New Mexico state police division of  
3 the department of public safety;  
4 (3) the division;  
5 (4) the collaborative;  
6 (5) a state educational institution named in  
7 Article 12, Section 11 of the constitution of New Mexico; and  
8 (6) a peer or family member of a peer.

9 J. The performance improvement committee shall:

- 10 (1) develop recommended criteria for data  
11 collection and pilot project evaluation;  
12 (2) report on its activities and  
13 recommendations to the legislative health and human services  
14 committee, the legislative finance committee and the  
15 appropriate interim legislative committee that studies courts  
16 and corrections by October 31, 2016; and  
17 (3) meet as often as necessary to analyze  
18 data, monitor the pilot project and produce an annual report on  
19 the project by October 31 of each year beginning in 2016.

20 L. By July 1, 2016, the division shall commence the  
21 pilot project.

22 **SECTION 9. DELAYED REPEAL.--**Effective July 1, 2021,  
23 Sections 1 through 8 of this act are repealed.