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SENATE BILL 43

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

INTRODUCED BY

Gerald Ortiz y Pino

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO HEALTH CARE; AMENDING THE ADOLESCENT TREATMENT HOSPITAL ACT TO TRANSFER THE ADMINISTRATION OF THE ADOLESCENT TREATMENT HOSPITAL AND THE ADOLESCENT RESIDENTIAL TREATMENT FACILITY TO THE BOARD OF REGENTS OF THE UNIVERSITY OF NEW MEXICO; DECLARING AN EMERGENCY.

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

**SECTION 1.** Section 23-9-2 NMSA 1978 (being Laws 1992, Chapter 60, Section 2, as amended) is amended to read:

"23-9-2. DEFINITIONS.--As used in the Adolescent Treatment Hospital Act:

A. "adolescent" means a person aged thirteen through twenty;

B. "adolescent treatment hospital" means the hospital created pursuant to the Adolescent Treatment Hospital

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1 Act;

2 C. "board" means the adolescent treatment hospital  
3 governing board;

4 D. "adolescent residential treatment facility"  
5 means the facility created pursuant to the Adolescent Treatment  
6 Hospital Act; and

7 E. "coordinated treatment panel" means the group  
8 made up of trained health and mental health professionals who  
9 review and approve psychosocial treatment recommendations,  
10 develop psychosocial treatment alternatives, track costs and  
11 cost-effectiveness and evaluate outcomes [~~and~~

12 F. ~~"secretary" means the secretary of health]."~~

13 SECTION 2. Section 23-9-5 NMSA 1978 (being Laws 1992,  
14 Chapter 60, Section 5) is amended to read:

15 "23-9-5. ADOLESCENT TREATMENT HOSPITAL GOVERNING BOARD--  
16 CREATION--ORGANIZATION--DUTIES.--

17 A. There is created the "adolescent treatment  
18 hospital governing board" consisting of five members appointed  
19 by the [~~secretary~~] board of regents of the university of New  
20 Mexico. The members shall serve at the pleasure of the  
21 [~~secretary~~] board of regents of the university of New Mexico  
22 and shall be familiar with the treatment and care of violent  
23 adolescents who are mentally disordered.

24 B. The board shall advise the [~~secretary~~] board of  
25 regents of the university of New Mexico on professional

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1 practices, community concerns and policies and procedures  
2 related to the treatment of adolescents admitted to the  
3 adolescent treatment hospital.

4 C. The board, in consultation with the [~~secretary~~]  
5 board of regents of the university of New Mexico, shall make  
6 and adopt such reasonable rules and regulations as may be  
7 necessary or convenient to carry out its duties and to  
8 administer the provisions of the Adolescent Treatment Hospital  
9 Act."

10 SECTION 3. Section 23-9-6 NMSA 1978 (being Laws 1992,  
11 Chapter 60, Section 6, as amended) is amended to read:

12 "23-9-6. HOSPITAL ADMISSIONS--TREATMENT.--

13 A. Adolescents shall be admitted to the adolescent  
14 treatment hospital and adolescent residential treatment  
15 facility only in accordance with the provisions of the Mental  
16 Health and Developmental Disabilities Code or the Children's  
17 Mental Health and Developmental Disabilities Act. The  
18 coordinated treatment panel may make recommendations on  
19 admissions.

20 B. The [~~secretary~~] board of regents of the  
21 university of New Mexico shall, in consultation with the board,  
22 define admittance criteria; provided that the criteria [~~may~~]  
23 shall not exclude adolescents in the custody of [~~other~~  
24 ~~agencies~~] any state agency who might otherwise meet the  
25 criteria for services provided through the adolescent treatment

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1 hospital.

2 C. The Mental [~~Heath~~] Health and Developmental  
3 Disabilities Code or the Children's Mental Health and  
4 Developmental Disabilities Act shall apply to inpatient  
5 treatment."

6 SECTION 4. Section 23-9-7 NMSA 1978 (being Laws 1992,  
7 Chapter 60, Section 7) is amended to read:

8 "23-9-7. ADOLESCENT TREATMENT HOSPITAL AND ADOLESCENT  
9 RESIDENTIAL TREATMENT FACILITY ADMINISTRATION.--

10 A. The adolescent treatment hospital and adolescent  
11 residential treatment facility shall be under the  
12 administration [~~and control~~] of the [~~department of health~~]  
13 board of regents of the university of New Mexico. The  
14 [~~secretary of health~~] board of regents of the university of New  
15 Mexico shall ensure that the adolescent treatment hospital  
16 becomes accredited by an appropriate hospital accreditation  
17 organization within the limits of its appropriations and,  
18 notwithstanding that accreditation, shall also seek and  
19 maintain licensure under the appropriate state standards.

20 B. The adolescent treatment hospital and adolescent  
21 residential treatment facility may establish and maintain  
22 administrative units and services for administration, medical  
23 and mental health care treatment, nursing, dietetics,  
24 education, recreation, social work and related services as may  
25 be necessary to carry out the purposes for which the adolescent

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1 treatment hospital and adolescent residential treatment  
2 facility are established.

3 C. Employees of the adolescent treatment hospital  
4 and adolescent residential treatment facility shall be subject  
5 to the [State] Personnel Act.

6 D. The adolescent treatment hospital and adolescent  
7 residential treatment facility may develop and implement a  
8 reasonable schedule of fees for adolescents not in the custody  
9 of the state and not otherwise eligible for services paid for  
10 or supported by the state. All fee payments shall be  
11 ~~[deposited with the state treasurer and credited to the general~~  
12 ~~fund]~~ paid over to the board of regents of the university of  
13 New Mexico to be used for the purpose of operating the  
14 adolescent treatment hospital and the adolescent residential  
15 treatment facility.

16 E. The adolescent treatment hospital and adolescent  
17 residential treatment facility may accept donations, gifts or  
18 bequests of land, money or things of value for the  
19 establishment, maintenance and advancement of the adolescent  
20 treatment hospital and adolescent residential treatment  
21 facility. Title to lands acquired shall be vested in the  
22 state. Donations, gifts and bequests of money shall be  
23 deposited to the credit of the adolescent treatment hospital  
24 and adolescent residential treatment facility if required as a  
25 condition of the donation, gift or bequest."

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SECTION 5. EMERGENCY.--It is necessary for the public  
peace, health and safety that this act take effect immediately.