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SENATE BILL 250

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Mary Kay Papen

AN ACT

RELATING TO BEHAVIORAL HEALTH; ENACTING THE RURAL WRAPAROUND SERVICES ACT; PROVIDING COMMUNITY-BASED SUPPORT SERVICES FOR ADULTS DIAGNOSED WITH SERIOUS MENTAL ILLNESS AND YOUTH DIAGNOSED WITH SERIOUS EMOTIONAL DISTURBANCE; PROVIDING POWERS AND DUTIES; CREATING THE RURAL WRAPAROUND SERVICES FUND; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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 "Rural Wraparound Services Act".

SECTION 2. ~~[NEW MATERIAL]~~ DEFINITIONS.--As used in the Rural Wraparound Services Act:

A. "comprehensive community-based mental health system" means a system of care that includes mental and physical health services, rehabilitation services, employment

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1 services, housing services, educational services, substance
2 abuse services, medical and dental care and other support
3 services with federal, state and local public and private
4 resources to enable persons to function outside of inpatient or
5 residential institutions to the maximum extent of their
6 capabilities, including services provided by local school
7 systems pursuant to the federal Individuals with Disabilities
8 Education Act;

9 B. "department" means the human services
10 department;

11 C. "division" means the behavioral health services
12 division of the department;

13 D. "fund" means the rural wraparound services fund;

14 E. "psychosocial rehabilitation services" means a
15 set of services designed to help a person in the target
16 population to achieve optimum functioning in the personal and
17 social dimensions of the person's life;

18 F. "serious emotional disturbance" means one or
19 more diagnosable behavioral, mental or emotional conditions as
20 defined in the most recent *Diagnostic and Statistical Manual of*
21 *Mental Disorders*, published by the American psychiatric
22 association that results in functional impairment that
23 substantially interferes with or limits the role or functioning
24 in family, school or community activities of a youth between
25 the ages of sixteen and twenty-two;

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1 G. "serious mental illness" means one or more
2 diagnosable behavioral, mental or emotional conditions as
3 defined in the most recent *Diagnostic and Statistical Manual of*
4 *Mental Disorders*, published by the American psychiatric
5 association, which condition substantially interferes with or
6 limits one or more major life activities of an adult;

7 H. "target population" means adults who have been
8 diagnosed with serious mental illness or youths between the
9 ages of sixteen and twenty-two who have been diagnosed within
10 the last year with serious emotional disturbance and includes
11 adults or youths who live in rural areas or are homeless;

12 I. "targeted case management" means a service that
13 assists a person to gain access to needed medical, social,
14 educational and other services and that ensures that services
15 are coordinated among all providers of such services;

16 J. "transitional housing" means up to eighteen
17 months of housing;

18 K. "urgent need" means circumstances of sufficient
19 concern that if not addressed within twenty-four hours could
20 reasonably result in hospitalization, detention or
21 incarceration;

22 L. "value-added service" means a service that is
23 not a medicaid-funded service that a medicaid managed care
24 organization or contractor may offer to a medicaid recipient;
25 and

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1 M. "wraparound services" means a component of a
2 comprehensive community-based mental health system that
3 consists of outcome-focused support services tailored to the
4 needs of a person in the target population.

5 SECTION 3. [NEW MATERIAL] DIVISION DUTIES--COMPREHENSIVE
6 SYSTEM--RURAL WRAPAROUND SERVICES.--The division shall design
7 and implement a comprehensive community-based mental health
8 system in rural areas of the state that provides wraparound
9 services to achieve one or more of the following:

10 A. to prevent or reduce the likelihood of relapse
11 following discharge from inpatient care or recidivism following
12 release from detention or incarceration;

13 B. to correct, reduce or ameliorate the physical,
14 mental, cognitive or developmental effects of serious mental
15 illness or serious emotional disturbance;

16 C. to reduce or ameliorate the pain or suffering
17 caused by serious mental illness or serious emotional
18 disturbance;

19 D. to assist the person to achieve or maintain
20 maximum functional capacity in performing the activities of
21 daily living; or

22 E. to assist the person with life skills needed to
23 live independently in the community.

24 SECTION 4. [NEW MATERIAL] RURAL WRAPAROUND SERVICES FUND
25 CREATED--USES AND ADMINISTRATION OF FUND.--

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1 A. The "rural wraparound services fund" is created
2 as a nonreverting fund in the state treasury. The fund
3 consists of appropriations, value-added services payments,
4 gifts, grants, donations and income earned on investment of the
5 fund and any other money deposited in the fund. The division
6 shall administer the fund and money in the fund is appropriated
7 to the department to contract for services as provided in this
8 section. Money in the fund shall be expended only for the
9 purposes specified in the Rural Wraparound Services Act.
10 Expenditures from the fund shall be by warrant of the secretary
11 of finance and administration on vouchers signed by the
12 division director or the director's authorized representative.

13 B. Money in the fund shall be used to provide,
14 arrange for or assist with:

- 15 (1) targeted case management;
- 16 (2) transitional and long-term housing for the
17 target population; and
- 18 (3) psychosocial rehabilitation and wraparound
19 services for the target population.

20 C. Money in the fund shall not be used to pay for
21 goods or services covered by medicaid or to match federal
22 funding for medicaid.

23 D. Expenses of administering the fund shall be paid
24 by the department.

25 SECTION 5. [NEW MATERIAL] CONTRACT REQUIREMENTS.--

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1 A. Contracts awarded from the rural wraparound
2 services fund shall:

- 3 (1) be for a period of at least four years;
4 (2) be awarded to contractors that demonstrate
5 the ability to achieve outcomes specified by the division;
6 (3) give preference to proposals for
7 communities that have few or no behavioral health providers or
8 services; and
9 (4) allow innovative, flexible and creative
10 uses of local resources other than traditional providers of
11 behavioral health services.

12 B. The division may require contractors to
13 demonstrate in-kind or other support from the local community
14 where the contracted services will be provided or from
15 behavioral health providers or services located anywhere in the
16 state.

17 C. The department shall enter into a contract for
18 procurement after evaluating competitive proposals and shall
19 not design requests for proposals to provide for only sole
20 source contracts. The department shall conduct its own
21 procurement, but shall conduct all procurement in accordance
22 with the Procurement Code; provided that Section 13-1-98.1 NMSA
23 1978 shall not apply to procurement pursuant to the Rural
24 Wraparound Services Act.

25 D. Medicaid managed care organizations or

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1 contractors shall not be eligible for contracts awarded
2 pursuant to the Rural Wraparound Services Act.

3 SECTION 6. [NEW MATERIAL] STANDARDS AND PERFORMANCE
4 MEASURES FOR CONTRACTS.--

5 A. The department shall promulgate standards and
6 performance measures for contracts awarded pursuant to the
7 Rural Wraparound Services Act that, at a minimum, require:

8 (1) identification and tracking of each person
9 served;

10 (2) acceptance of referrals from all sources
11 for persons in the target population;

12 (3) an assessment performed and service plan
13 developed within no more than:

14 (a) twenty-four hours of referral for
15 persons in crisis;

16 (b) forty-eight hours prior to a
17 person's discharge from inpatient care or release from
18 detention or incarceration;

19 (c) five business days before a youth
20 leaves foster care; or

21 (d) two business days following referral
22 for all other persons served;

23 (4) the assignment of a community support
24 worker to be responsible for assisting in the assessment of the
25 person and in the development of the service plan;

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1 (5) the initiation of services within one
2 calendar day of the assessment for persons with urgent needs
3 and within five calendar days for persons with non-urgent
4 needs;

5 (6) immediate access to crisis stabilization
6 services, with twenty-four-hour telephone response and next
7 calendar day appointments; and

8 (7) continuing support for persons served.

9 B. Standards and performance measures for contracts
10 awarded pursuant to the Rural Wraparound Services Act shall not
11 be so stringent that only traditional providers of behavioral
12 health services can meet them.

13 C. Contractors shall be required to report outcomes
14 as determined by the department.

15 SECTION 7. [NEW MATERIAL] VALUE-ADDED SERVICES PAYMENT.--

16 A. The department shall require a medicaid managed
17 care organization or medicaid fee-for-service contractor to pay
18 quarterly an amount equal to five percent of the amount spent
19 by the organization or contractor for behavioral health
20 services in the previous quarter to the rural wraparound
21 services fund, to be deemed a value-added service.

22 B. Medicaid funds shall not be used to make the
23 quarterly payment to the rural wraparound services fund
24 required in this section.

25 SECTION 8. APPROPRIATION.--Seven million dollars

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1 (\$7,000,000) is appropriated from the general fund to the rural
2 wraparound services fund for expenditure in fiscal year 2020
3 and subsequent fiscal years to contract for services as
4 provided in the Rural Wraparound Services Act. Any unexpended
5 or unencumbered balance remaining at the end of a fiscal year
6 shall not revert to the general fund.

7 SECTION 9. EMERGENCY.--It is necessary for the public
8 peace, health and safety that this act take effect immediately.

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