

LFC Requester:	Greg Geisler
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**AGENCY BILL ANALYSIS
2013 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

And

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original X **Amendment**
Correction **Substitute**

Date January 28, 2013
Bill No: HB 220--305

Sponsor: Rep. Jane Powdrell-Culbert **Reviewing** Attorney General's Office
Short Mental Health Certification of **Person Writing** Rick Word, AAG
Title: Probable Harm **Phone:** 827-6029 **Email** rword@nmag.gov

SECTION II: FISCAL IMPACT **FOR LFC OFFICIAL PURPOSES******
AGO STAFF SHOULD LEAVE SHADED AREAS BLANK

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY13	FY14		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY13	FY14	FY15		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to: SB 271 is related and this office submitted

an FIR analysis for that bill as well.

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Opinion Letter. This is a staff analysis in response to the agency’s committee’s or legislator’s request.

BILL SUMMARY

Summary Synopsis: NMSA 1978, Section 43-1-10 of the Mental Health and Developmental Disabilities Code (Code) establishes procedures for the emergency detention and transport for mental health evaluation and care of persons deemed to present a danger to themselves or others. Absent a court order, the statute currently permits only physicians and psychologists to certify that a person presents a likelihood of serious harm to himself or herself or to others as a result of a mental disability and that immediate evaluation or detention is necessary to prevent such harm. (The Code also authorizes peace officers to detain and transport persons for evaluation and treatment under narrowly defined circumstances without a certification.) HB 220 would authorize the following classifications of health care practitioners to make such a certification, in addition to physicians and psychologists: osteopathic physicians; certified psychiatric nurse practitioners; psychiatric physicians’ assistants; independent social workers; and professional clinical mental health counselors. HB 220 adds “licensed practitioner” to the list of defined terms in Section 43-1-1 of the Code, listing thereunder all of the expanded classifications of practitioners authorized to certify a person for emergency mental health evaluation and care. Correspondingly, the bill strikes the definition relating to physicians and psychologists now found in Section 43-1-1(Q). The bill would also substitute the term “mental disability” for “mental disorder” and make certain other non-substantive changes throughout the Code.

FISCAL IMPLICATIONS WITH ENACTING THIS BILL

There are no fiscal implications for this agency.

SIGNIFICANT LEGAL ISSUES

None noted.

PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL

There are no performance implications for this agency.

ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL

No administrative implications are noted for the agency.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP WITH BILLS
INTRODUCED THIS SESSION**

None are noted.

TECHNICAL ISSUES OR DRAFTING ERROR

The bill substitutes the word “licensed” for the word “certified” wherever the phrase “certified psychologist” occurs in the Code, except at line 23 of page 3.

OTHER SUBSTANTIVE LEGAL ISSUES

No other substantive legal issues are noted.

ALTERNATIVES TO ENACTING THIS BILL

No alternatives to enacting this bill are noted.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS NEEDED TO IMPROVE THIS BILL

None noted.