



The Legislature
of the
State of New Mexico

49th Legislature, 2nd Session

LAWS 2010

CHAPTER 93

HOUSE BILL 217, as amended

Introduced by

REPRESENTATIVE NICK L. SALAZAR

REPRESENTATIVE RICHARD D. VIGIL
REPRESENTATIVE ANDY NUÑEZ
REPRESENTATIVE ELISEO LEE ALCON
REPRESENTATIVE THOMAS A. GARCIA



Chapter 93

AN ACT

RELATING TO CRIMES; AMENDING THE RESIDENT ABUSE AND NEGLECT
ACT TO PROHIBIT ABUSE OF INDIVIDUALS IN RESIDENTS' OR CARE
PROVIDERS' HOMES.

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

Section 1. Section 30-47-3 NMSA 1978 (being Laws 1990,
Chapter 55, Section 3) is amended to read:

"30-47-3. DEFINITIONS.--As used in the Resident Abuse
and Neglect Act:

A. "abuse" means any act or failure to act
performed intentionally, knowingly or recklessly that causes
or is likely to cause harm to a resident, including:

(1) physical contact that harms or is likely
to harm a resident of a care facility;

(2) inappropriate use of a physical
restraint, isolation or medication that harms or is likely to
harm a resident;

(3) inappropriate use of a physical or
chemical restraint, medication or isolation as punishment or
in conflict with a physician's order;

(4) medically inappropriate conduct that
causes or is likely to cause physical harm to a resident;

(5) medically inappropriate conduct that
causes or is likely to cause great psychological harm to a

1 resident; or

2 (6) an unlawful act, a threat or menacing
3 conduct directed toward a resident that results and might
4 reasonably be expected to result in fear or emotional or
5 mental distress to a resident;

6 B. "care facility" means a hospital; skilled
7 nursing facility; intermediate care facility; care facility
8 for the mentally retarded; psychiatric facility;
9 rehabilitation facility; kidney disease treatment center; home
10 health agency; ambulatory surgical or outpatient facility;
11 home for the aged or disabled; group home; adult foster care
12 home; private residence that provides personal care, sheltered
13 care or nursing care for one or more persons; a resident's or
14 care provider's home in which personal care, sheltered care or
15 nursing care is provided; adult day care center; boarding
16 home; adult residential shelter care home; and any other
17 health or resident care related facility or home, but does not
18 include a care facility located at or performing services for
19 any correctional facility;

20 C. "department" means the human services
21 department or its successor, contractor, employee or designee;

22 D. "great psychological harm" means psychological
23 harm that causes mental or emotional incapacitation for a
24 prolonged period of time or that causes extreme behavioral
25 change or severe physical symptoms that require psychological

1 or psychiatric care;

2 E. "great physical harm" means physical harm of a
3 type that causes physical loss of a bodily member or organ or
4 functional loss of a bodily member or organ for a prolonged
5 period of time;

6 F. "neglect" means, subject to the resident's
7 right to refuse treatment and subject to the caregiver's right
8 to exercise sound medical discretion, the grossly negligent:

9 (1) failure to provide any treatment,
10 service, care, medication or item that is necessary to
11 maintain the health or safety of a resident;

12 (2) failure to take any reasonable
13 precaution that is necessary to prevent damage to the health
14 or safety of a resident; or

15 (3) failure to carry out a duty to supervise
16 properly or control the provision of any treatment, care,
17 good, service or medication necessary to maintain the health
18 or safety of a resident;

19 G. "person" means any individual, corporation,
20 partnership, unincorporated association or other governmental
21 or business entity;

22 H. "physical harm" means an injury to the body
23 that causes substantial pain or incapacitation; and

24 I. "resident" means any person who resides in a
25 care facility or who receives treatment from a care facility." HB 217

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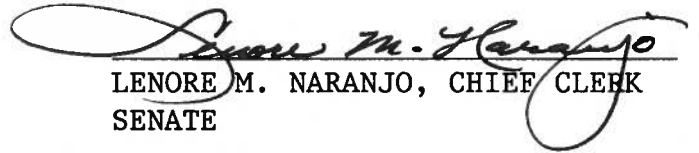
BEN LUJAN, SPEAKER
HOUSE OF REPRESENTATIVES



STEPHEN R. ARIAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES



DIANE D. DENISH, PRESIDENT
SENATE



LENORE M. NARANJO, CHIEF CLERK
SENATE

Approved by me this 8th day of March, 2010



BILL RICHARDSON, GOVERNOR
STATE OF NEW MEXICO

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