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HOUSE BILL 399

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

INTRODUCED BY  
Art Hawkins

AN ACT

RELATING TO MORTALITY REVIEW; AUTHORIZING THE DEPARTMENT OF  
HEALTH TO ESTABLISH A MORTALITY REVIEW FUNCTION; PROVIDING  
ACCESS TO RECORDS AND DOCUMENTS; PROVIDING IMMUNITY; CHANGING  
DEFINITIONS; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. A new section of the Department of Health  
Act is enacted to read:

"NEW MATERIAL MORTALITY REVIEW COMMITTEES.--The  
department shall establish mortality review committees to  
conduct professional reviews of deaths of persons receiving  
services from contractors of the department."

Section 2. Section 24-1-3 NMSA 1978 (being Laws 1973,  
Chapter 359, Section 3, as amended) is amended to read:

"24-1-3. POWERS AND AUTHORITY OF DEPARTMENT.--The  
department has authority to:

.130960.1

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1           A. receive such grants, subsidies, donations,  
2 allotments or bequests as may be offered to the state by the  
3 federal government or any department thereof or by any public  
4 or private foundation or [~~individuals~~] other persons;

5           B. supervise the health and hygiene of the people  
6 of the state;

7           C. investigate, control and abate the causes of  
8 disease, especially epidemics, sources of mortality and other  
9 conditions of public health;

10          D. establish, maintain and enforce isolation and  
11 quarantine;

12          E. close any public place and forbid gatherings of  
13 people when necessary for the protection of the public  
14 health;

15          F. establish programs and adopt [~~regulations~~]  
16 rules to prevent infant mortality, birth defects and  
17 morbidity;

18          G. prescribe the duties of public health nurses  
19 and school nurses;

20          H. provide educational programs and disseminate  
21 information on public health;

22          I. maintain and enforce [~~regulations~~] rules for  
23 the licensure of health facilities;

24          J. bring action in court for the enforcement of  
25 health laws and [~~regulations~~] rules and orders issued by the  
department;

        K. enter into agreements with other states to

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- 1 carry out the powers and duties of the department;
- 2 L. cooperate and enter into contracts or
- 3 agreements with the federal government or any other person to
- 4 carry out the powers and duties of the department;
- 5 M. maintain and enforce regulations for the
- 6 control of communicable diseases deemed to be dangerous to
- 7 public health;
- 8 N. maintain and enforce regulations for
- 9 immunization against diseases deemed to be dangerous to the
- 10 public health;
- 11 O. maintain and enforce such rules ~~[and~~
- 12 ~~regulations]~~ as may be necessary to carry out the provisions
- 13 of the Public Health Act and to publish ~~[same]~~ the rules;
- 14 P. supervise state public health activities,
- 15 operate a dental public health program and operate state
- 16 laboratories for the investigation of public health matters;
- 17 Q. sue and, with the consent of the legislature,
- 18 be sued;
- 19 R. regulate the practice of midwifery;
- 20 S. administer legislation enacted pursuant to
- 21 Title ~~[VI]~~ 6 of the Public Health Service Act as amended and
- 22 supplemented;
- 23 T. inspect such premises or vehicles as necessary
- 24 to ascertain the existence or nonexistence of conditions
- 25 dangerous to public health or safety; ~~[and]~~
- U. inspect and promptly obtain copies of all  
medical records and other documents pertaining to a person

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1 whose death is the subject of inquiry by the department's  
2 mortality review committee; and

3 ~~[U-]~~ V. do all other things necessary to carry out  
4 its duties."

5 Section 3. Section 41-9-2 NMSA 1978 (being Laws 1979,  
6 Chapter 169, Section 2, as amended) is amended to read:

7 "41-9-2. DEFINITIONS.--As used in the Review  
8 Organization Immunity Act:

9 A. "person" means ~~[any]~~ an individual,  
10 corporation, partnership, firm or other entity;

11 B. "health care provider" means ~~[any]~~ a person  
12 licensed by the state or permitted by law to provide health  
13 care services;

14 C. "health care services" means services rendered  
15 by a health care provider of the type the health care  
16 provider is licensed or permitted to provide;

17 D. "staff" means the members of the governing  
18 board, officers and employees of a health care provider  
19 ~~[which]~~ that is not an individual; and

20 E. "review organization" means an organization  
21 whose membership is limited to health care providers and  
22 staff, except where otherwise provided for by state or  
23 federal law, and ~~[which]~~ that is established by a health care  
24 provider ~~[which]~~ that is a hospital, by one or more state or  
25 local associations of health care providers, by the  
department of health when conducting mortality reviews by a  
nonprofit health care plan, by a health maintenance

1 organization, by an emergency medical services system or  
2 provider as defined in the Emergency Medical Services Act or  
3 by a professional standards review organization established  
4 pursuant to 42 U.S.C., Section 1320c-1 et seq. to gather and  
5 review information relating to the care and treatment of  
6 patients for the purposes of:

7 (1) evaluating and improving the quality of  
8 health care services rendered in the area or by a health care  
9 provider;

10 (2) reducing morbidity or mortality;

11 (3) obtaining and disseminating statistics  
12 and information relative to the treatment and prevention of  
13 diseases, illnesses and injuries;

14 (4) developing and publishing guidelines  
15 showing the norms of health care services in the area or by  
16 health care providers;

17 (5) developing and publishing guidelines  
18 designed to keep within reasonable bounds the cost of health  
19 care services;

20 (6) reviewing the nature, quality or cost of  
21 health care services provided to enrollees of health  
22 maintenance organizations and nonprofit health care plans;

23 (7) acting as a professional standards  
24 review organization pursuant to 42 U.S.C., Section 1320c-1,  
25 et seq.; or

(8) determining whether a health care  
provider shall be granted authority to provide health care

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1 services using the health care provider's facilities or  
2 whether a health care provider's privileges should be  
3 limited, suspended or revoked."

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