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FISCAL IMPACT REPORT

SPONSOR:	Hawkins	DATE TYPED:	2/14/00	HB	399
SHORT TITLE:	Establish Mortality Review Function			SB	
				ANALYST:	Esquibel

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY00	FY01	FY00	FY01		
NA					

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to

SOURCES OF INFORMATION

NM Health Policy Commission (HPC)

Attorney General's Office (AG)

Department of Health (DOH)

SUMMARY

Synopsis of Bill

The bill would require DOH to establish a mortality review committee to conduct professional reviews of deaths of persons receiving services from contractors of the department; would authorize DOH to inspect and obtain copies of all medical records and other documents pertaining thereto; and would immunize the review activity under the Review Organization Immunity Act.

Significant Issues

HPC indicates:

- HB399 provides authority for DOH to obtain copies of *all* medical records and other documents *pertaining to a person*, not just those records of the contractor or for deaths related to the services provided by a DOH contractor. HB399 would extend the authority of DOH, substantially extending government intervention into private facilities which may not have received any contract funding from DOH, but happened to have provided services to an individual who received services from a DOH contractor and subsequently died.
- No provisions are included in the bill for DOH actions if the death is determined to be attributable to a factor unrelated to its contractor, such as medical malpractice by an ER physician.
- The bill does not include time limits or restrictions in the review of deaths further extending government intervention into private facilities and activities. The magnitude of the number of reviews could result in increased costs for government.
- Under the Inspection of Public Records Act, the activities of the Mortality Review Committees may be accessible to the public potentially compromising patient, facility and provider confidentiality.

- DOH operates several facilities and directly provides services; however, SB399 only provides for review of contractors.

TECHNICAL ISSUES

HPC suggests specifying protection from the Inspection of Public Records Act, and establishing limits on authority in terms of time relation to receipt of services from a DOH contractor and death directly related to services received from a contractor.

DOH suggests on page 5, lines 5-6, at the end of the underlined material, a comma should be inserted after the word "reviews".

RAE/njw