

HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 322

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

AN ACT

RELATING TO HEALTH FACILITIES; PROVIDING FOR OVERSIGHT OF
HOSPITALS, LONG-TERM CARE FACILITIES AND PRIMARY CARE CLINICS
BY THE SECRETARY OF HEALTH; ENACTING A NEW SECTION OF THE
PUBLIC HEALTH ACT.

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

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

"24-1-1. SHORT TITLE.--~~[Sections 1 through 22 of this
act]~~ Chapter 24, Article 1 NMSA 1978 may be cited as the
"Public Health Act"."

Section 2. A new section of the Public Health Act is
enacted to read:

"[NEW MATERIAL] CONDITIONS OF LICENSURE.--

A. A hospital, a long-term care facility or a

1 primary care clinic, as a condition of licensure, shall provide
2 information sufficient for the secretary to make a reasonable
3 assessment based on clear and convincing evidence of its
4 financial viability, sustainability and potential impact on
5 health care access. Information provided to the secretary
6 pursuant to this section shall remain confidential and is
7 exempt from the Inspection of Public Records Act. The
8 hospital, long-term care facility or primary care clinic shall
9 provide this information to the secretary at least sixty days
10 before the anticipated effective date of a proposed licensure,
11 closure, disposition or acquisition of the hospital, the long-
12 term care facility or the primary care clinic or its essential
13 services required as a condition of licensure.

14 B. The secretary shall issue a notice of finding
15 within sixty days of receiving information from the facility.

16 C. For the purposes of this section:

17 (1) "hospital" means a facility providing
18 emergency or urgent care, inpatient medical care and nursing
19 care for acute illness, injury, surgery or obstetrics.
20 "Hospital" includes a facility licensed by the department as a
21 critical access hospital, general hospital, long-term acute
22 care hospital, psychiatric hospital, rehabilitation hospital,
23 limited services hospital and special hospital;

24 (2) "long-term care facility" means a nursing
25 home licensed by the department to provide intermediate or

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1 skilled nursing care; and

2 (3) "primary care clinic" means a community-
3 based clinic that operates in a rural or other health care
4 underserved area of the state, has assets totaling less than
5 ten million dollars (\$10,000,000), is a 501(c)(3) nonprofit
6 corporation for federal income tax purposes and provides the
7 first level of basic or general health care for an individual's
8 health needs, including diagnostic and treatment services and,
9 if integrated into the clinic's service array, mental health
10 services."

11 Section 3. TEMPORARY PROVISION--OVERSIGHT OF OTHER HEALTH
12 FACILITIES.--The secretary of health shall evaluate the need to
13 apply the provisions of this act to all other health facilities
14 as defined in Section 24-1-2 NMSA 1978. The secretary shall
15 report findings and recommendations to the legislative health
16 and human services committee by October 1, 2004.

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