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SENATE BILL 538

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Sue Wilson Beffort

AN ACT

RELATING TO HEALTH AND SAFETY; PROVIDING FOR HEALTH INFORMATION TECHNOLOGY; CHANGING THE NAME OF THE NEW MEXICO TELEHEALTH COMMISSION ACT AND THE NEW MEXICO TELEHEALTH COMMISSION.

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

Section 1. Section 24-1G-1 NMSA 1978 (being Laws 2005, Chapter 55, Section 1) is amended to read:

"24-1G-1. SHORT TITLE.--~~[This act]~~ Chapter 24, Article 1G NMSA 1978 may be cited as the "New Mexico Telehealth and Health Information Technology Commission Act"."

Section 2. Section 24-1G-2 NMSA 1978 (being Laws 2005, Chapter 55, Section 2) is amended to read:

"24-1G-2. PURPOSE.--The purpose of creating a telehealth and health information technology commission is to encourage a single, coordinated statewide effort to create a telehealth and

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1 health information technology system that:

2           A. provides and supports health care delivery,  
3 diagnosis, consultation, treatment, transfer of medical data  
4 and education when distance separates a patient and a health  
5 care provider; multiple health care providers involved in  
6 patient care; and health care providers and educational or  
7 professional activities;

8           B. addresses the problems of provider distribution  
9 in medically underserved areas of the state;

10           C. strengthens the health infrastructure;

11           D. attracts and retains health care providers in  
12 rural areas; and

13           E. helps reduce costs associated with health care  
14 and make health care more affordable."

15           Section 3. Section 24-1G-3 NMSA 1978 (being Laws 2005,  
16 Chapter 55, Section 3) is amended to read:

17           "24-1G-3. DEFINITIONS.--As used in the New Mexico  
18 Telehealth and Health Information Technology Commission Act:

19           A. "commission" means the New Mexico telehealth and  
20 health information technology commission; [~~and~~]

21           B. "health information technology" means products,  
22 devices or systems that allow for the secure electronic  
23 collection, storage, exchange or management of patient  
24 information; and

25           [~~B.~~] C. "telehealth" means the use of electronic

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1 information, imaging and communication technologies, including  
2 interactive audio, video and data communications as well as  
3 store-and-forward technologies, to provide and support health  
4 care delivery, diagnosis, consultation, treatment, transfer of  
5 medical data and education when distance separates the patient  
6 and the health care provider."

7 Section 4. Section 24-1G-4 NMSA 1978 (being Laws 2005,  
8 Chapter 55, Section 4) is amended to read:

9 "24-1G-4. NEW MEXICO TELEHEALTH AND HEALTH INFORMATION  
10 TECHNOLOGY COMMISSION CREATED--POWERS AND DUTIES--MEMBERSHIP.--

11 A. The "New Mexico telehealth and health  
12 information technology commission" is created. The commission  
13 is administratively attached to the department of health, which  
14 shall work in conjunction with the New Mexico health policy  
15 commission, in accordance with the Executive Reorganization  
16 Act.

17 B. The commission shall consist of no more than  
18 twenty-five members with members, one-third of whom shall be  
19 from rural areas, chosen from the following categories, all of  
20 whom shall be appointed by and serve at the pleasure of the  
21 governor:

- 22 (1) health care facilities;
- 23 (2) health care practitioners;
- 24 (3) health care workforce educators;
- 25 (4) telehealth technology experts;

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- 1 (5) the telecommunications industry;  
2 (6) the business community;  
3 (7) health care insurance providers or other  
4 health care payers;  
5 (8) the health information technology  
6 industry;  
7 [~~(8)~~] (9) Indian nations, tribes and pueblos;  
8 [~~(9)~~] (10) legislators;  
9 [~~(10)~~] (11) state agencies responsible for:  
10 (a) telecommunications;  
11 (b) public health;  
12 (c) medicaid and social services;  
13 (d) workforce development;  
14 (e) children's health and social  
15 services;  
16 (f) services for the elderly and  
17 disabled;  
18 (g) criminal justice;  
19 (h) health policy and planning; and  
20 (i) education; and  
21 [~~(11)~~] (12) other members as the governor may  
22 appoint to ensure appropriate cultural and geographic  
23 representation and the interests of the public.  
24 C. The commission shall:  
25 (1) identify how telehealth and health

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1 information technology can be used to increase access to care  
2 and implement state comprehensive health plans;

3 (2) identify barriers to telehealth and health  
4 information technology utilization and expansion, including  
5 payment, infrastructure, training and workforce availability;

6 (3) inventory the state's telehealth and  
7 health information technology assets, map available  
8 telecommunications infrastructure and examine the financial  
9 impact of failing to develop the state's telehealth and health  
10 information technology capacities;

11 (4) coordinate public and private sector  
12 initiatives to enhance networking, portal development and  
13 connectivity and to expand telehealth and health information  
14 technology and telecommunications capacity;

15 (5) establish [~~such~~] subcommittees as the  
16 commission deems necessary to fulfill its purpose, powers and  
17 duties or to address specific telehealth and health information  
18 technology issues;

19 (6) identify specific actions to increase  
20 collaborative efforts and public-private partnerships to  
21 increase the use of telehealth and health information  
22 technology for health care access development, patient outcome  
23 improvement, patient and workforce education and health care  
24 practitioner recruitment and development;

25 (7) develop and disseminate specific

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1 telehealth and health information technology standards and  
2 guidelines to ensure quality of care, positive health outcomes,  
3 appropriate use of technology and protection of privacy and  
4 confidentiality;

5 (8) review and comment on initiatives,  
6 projects or grant applications to ensure telehealth and health  
7 information technology standards and guidelines are met and  
8 maximum collaboration and cooperation across the state is  
9 encouraged;

10 (9) meet at least once each quarter at the  
11 call of the chair or vice chair, who shall be designated by the  
12 governor from among the membership; and

13 (10) report annually to the governor and the  
14 legislature on the state of the telehealth and health  
15 information technology system and the adequacy and allocation  
16 of telehealth and health information technology services  
17 throughout the state, providing the governor and the  
18 legislature with specific recommendations for improving  
19 telehealth and health information technology and related  
20 service systems.

21 D. A majority of the members of the commission  
22 constitutes a quorum for the transaction of business."