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HOUSE BILL 293

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Mimi Stewart

AN ACT

RELATING TO HEALTH INFORMATION; PROVIDING FOR THE USE,
DISCLOSURE AND PROTECTION OF RECORD-LEVEL DATA.

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

Section 1. Section 24-14A-2 NMSA 1978 (being Laws 1989,
Chapter 29, Section 2, as amended) is amended to read:

"24-14A-2. DEFINITIONS.--As used in the Health
Information System Act:

A. "aggregate data" means data ~~[which is]~~ that are
obtained by combining like data in a manner ~~[which]~~ that
precludes specific identification of a single client or
provider;

B. "commission" means the New Mexico health policy
commission;

C. "data source" or data provider means a person

underscored material = new
[bracketed material] = delete

1 that possesses health information, including any public or
2 private sector licensed health care practitioner, primary care
3 clinic, ambulatory surgery center, ambulatory urgent care
4 center, ambulatory dialysis unit, home health agency, long-term
5 care facility, hospital, pharmacy, third-party payer and any
6 public entity that has health information;

7 [G.] D. "department" means the department of
8 health;

9 [D.] E. "health information" or "health data" means
10 any data relating to health care; health status, including
11 environmental, social and economic factors; the health system;
12 or health costs and financing;

13 [E.] F. "hospital" means any general or special
14 hospital licensed by the department, whether publicly or
15 privately owned;

16 [F.] G. "long-term care facility" means any skilled
17 nursing facility or nursing facility licensed by the
18 department, whether publicly or privately owned;

19 ~~[G.] "data source" includes those categories of~~
20 ~~persons or entities that possess health information, including~~
21 ~~any public or private sector licensed health care practitioner,~~
22 ~~primary care clinic, ambulatory surgery center, ambulatory~~
23 ~~urgent care center, ambulatory dialysis unit, home health~~
24 ~~agency, long-term care facility, hospital, pharmacy,~~
25 ~~third-party payer and any public entity that has health~~

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1 ~~information; and]~~

2 H. "record-level data" means a medical record that
3 contains unique and nonaggregated data elements that relate to
4 a single identifiable individual, provider or hospital; and

5 ~~[H.]~~ I. "third-party payer" means any public or
6 private payer of health care services and includes health
7 maintenance organizations and health insurers."

8 Section 2. Section 24-14A-6 NMSA 1978 (being Laws 1989,
9 Chapter 29, Section 6, as amended) is amended to read:

10 "24-14A-6. HEALTH INFORMATION SYSTEM--ACCESS.--

11 A. Access to data in the health information system
12 shall be provided in accordance with regulations adopted by the
13 commission pursuant to the Health Information System Act.

14 B. A data provider may obtain data it has submitted
15 to the system, as well as aggregate data, but, except as
16 provided in Subsections D and E of this section, it [may] shall
17 not have access to data submitted by another provider [which]
18 that is limited only to that provider. Except as provided in
19 Subsections D and E of this section, in no event may a data
20 provider obtain data regarding an individual patient except in
21 instances where [that] the data [was] were originally submitted
22 by the requesting provider. Prior to the release of any data,
23 in any form, data sources shall be permitted the opportunity to
24 verify the accuracy of the data pertaining to that data source.

25 ~~[Any]~~ Data identified in writing as inaccurate shall be

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1 corrected prior to the data's release. Time limits shall be
2 set for the submission and review of data by data sources, and
3 penalties shall be established for failure to submit and review
4 the data within the established time.

5 C. Any person may obtain any aggregate data.

6 D. Through a secure delivery or transmission
7 process, the commission may share with the department record-
8 level data that contain identifiable individual, provider or
9 hospital information.

10 E. Through a secure delivery or transmission
11 process, the commission may share record-level data with a
12 federal agency that is authorized to collect, analyze or
13 disseminate health information. The commission shall remove
14 identifiable individual, provider or hospital information from
15 the record-level data prior to its disclosure to the agency."

16 Section 3. Section 24-14A-8 NMSA 1978 (being Laws 1989,
17 Chapter 29, Section 8, as amended) is amended to read:

18 "24-14A-8. HEALTH INFORMATION SYSTEM--CONFIDENTIALITY.--

19 A. Health information collected and disseminated
20 pursuant to the Health Information System Act is strictly
21 confidential and shall not be a matter of public record or
22 accessible to the public except as provided in Sections
23 24-14A-6 and 24-14A-7 NMSA 1978. No data source shall be
24 liable for damages to any person for having furnished the
25 information to the commission.

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B. Record-level data provided to the department pursuant to Section 24-14A-6 NMSA 1978 are confidential. The department that receives record-level data shall not disclose the data except to the extent that they are included in a compilation of aggregate data.

[B.] C. The individual forms, [computer tapes] electronic information or other forms of data collected by and furnished for the health information system shall not be public records subject to inspection pursuant to Section 14-2-1 NMSA 1978. Compilations of aggregate data prepared for release or dissemination from the data collected, except for a report prepared for an individual data provider or the provider's designee containing information concerning only its transactions, shall be public records."