

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 that are obtained
by combining like data in a manner 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
that possesses health information, including any public or
private sector licensed health care practitioner, primary care
clinic, ambulatory surgery center, ambulatory urgent care
center, ambulatory dialysis unit, home health agency, long-
term care facility, hospital, pharmacy, third-party payer and
any public entity that has health information;

D. "department" means the department of health;

E. "health information" or "health data" means any
data relating to health care; health status, including
environmental, social and economic factors; the health system;

or health costs and financing;

F. "hospital" means any general or special hospital licensed by the department, whether publicly or privately owned;

G. "long-term care facility" means any skilled nursing facility or nursing facility licensed by the department, whether publicly or privately owned;

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

I. "third-party payer" means any public or private payer of health care services and includes health maintenance organizations and health insurers."

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

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

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

B. A data provider may obtain data it has submitted to the system, as well as aggregate data, but, except as provided in Subsections D and E of this section, it shall not have access to data submitted by another provider that is limited only to that provider. Except as provided in Subsections D and E of this section, in no event may a data

provider obtain data regarding an individual patient except in instances where the data were originally submitted by the requesting provider. Prior to the release of any data, in any form, data sources shall be permitted the opportunity to verify the accuracy of the data pertaining to that data source. Data identified in writing as inaccurate shall be corrected prior to the data's release. Time limits shall be set for the submission and review of data by data sources, and penalties shall be established for failure to submit and review the data within the established time.

C. Any person may obtain any aggregate data.

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

E. Through a secure delivery or transmission process, the commission may share record-level data with a federal agency that is authorized to collect, analyze or disseminate health information. The commission shall remove identifiable individual or provider information from the record-level data prior to its disclosure to the federal agency. In providing hospital information under an agreement or arrangement with a federal agency, the commission shall ensure that any identifiable hospital information disclosed is necessary for the agency's authorized use and that its

disclosure meets with state and federal privacy and confidentiality laws, rules and regulations."

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

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

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

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.

C. The individual forms, 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." _____