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AN ACT

RELATING TO PUBLIC HEALTH; AMENDING A SECTION OF THE PUBLIC HEALTH CODE TO PERMIT THE DEPARTMENT OF HEALTH TO PROVIDE PARTNER SERVICES TO INDIVIDUALS WHOM IT IDENTIFIES TO BE AT RISK OF HUMAN IMMUNODEFICIENCY VIRUS INFECTION DUE TO CONTACT WITH AN INFECTED INDIVIDUAL.

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

Section 1. Section 24-2B-6 NMSA 1978 (being Laws 1989, Chapter 227, Section 6, as amended) is amended to read:

"24-2B-6. CONFIDENTIALITY.--

A. No person or the person's agents or employees who require or administer the test shall disclose the identity of any person upon whom a test is performed or the result of such a test in a manner that permits identification of the subject of the test, except to the following persons:

(1) the subject of the test or the subject's legally authorized representative, guardian or legal custodian;

(2) any person designated in a legally effective release of the test results executed prior to or after the test by the subject of the test or the subject's legally authorized representative;

(3) an authorized agent, a credentialed or privileged physician or employee of a health facility or

1 health care provider if the health care facility or health
2 care provider itself is authorized to obtain the test
3 results, the agent or employee provides patient care or
4 handles or processes specimens of body fluids or tissues and
5 the agent or employee has a need to know such information;

6 (4) the department of health in accordance
7 with reporting requirements established by regulation;

8 (5) the department of health for the purpose
9 of providing partner services;

10 (6) a health facility or health care
11 provider that procures, processes, distributes or uses:

12 (a) a human body part from a deceased
13 person, with respect to medical information regarding that
14 person;

15 (b) semen provided prior to the
16 effective date of the Human Immunodeficiency Virus Test Act
17 for the purpose of artificial insemination;

18 (c) blood or blood products for
19 transfusion or injection; or

20 (d) human body parts for transplant
21 with respect to medical information regarding the donor or
22 recipient;

23 (7) health facility staff committees or
24 accreditation or oversight review organizations that are
25 conducting program monitoring, program evaluation or service

1 reviews, so long as any identity remains confidential;

2 (8) authorized medical or epidemiological
3 researchers who may not further disclose any identifying
4 characteristics or information; and

5 (9) for purposes of application or
6 reapplication for insurance coverage, an insurer or reinsurer
7 upon whose request the test was performed.

8 B. For the purposes of this section:

9 (1) "partner services" means a protocol that
10 the department of health establishes by regulation similar to
11 those protocols and regulations for other reportable sexually
12 transmitted diseases for contacting individuals whom it
13 identifies to be at risk of human immunodeficiency virus
14 infection due to contact with an individual whom it has
15 identified, through reporting made pursuant to Paragraph (4)
16 of Subsection A of this section, as having been infected with
17 human immunodeficiency virus; and

18 (2) "test" means a procedure that
19 definitively diagnoses the presence of human immunodeficiency
20 virus infection, either through the detection of the virus
21 itself or the detection of antibodies against the virus."