

**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

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**SECTION I: GENERAL INFORMATION**

*Check all that apply:*

**Original**  **Amendment**  
**Correction**  **Substitute**

**Date Prepared:** 2024-01-29  
**Bill No:** SB230

**Sponsor(s)** Greg Nibert  
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**Agency Name and Code Number:** ECECD 611

**Person Writing Analysis:** Dr. Janis Gonzales

**Short Title:** DISCLOSURE OF CERTAIN HEALTH INFO

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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
NFI	NFI		

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
NFI	NFI	NFI		

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**ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)**

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Senate Bill 230 (SB230) amends the Children's Mental Health and Developmental Disabilities Act, which limits disclosure of confidential information without the authorization of the child, or the child's legal custodian if a child is under fourteen years of age, to make certain disclosure requirements consistent with similar requirements already contained in the Mental Health and Developmental Disabilities Code. SB230 adds Section (D)(8) to NMSA 1978, Section 32A-6A-24, which is an exception that authorization from the child or legal custodian shall not be required for the disclosure or transmission of confidential information in existence on and after July 1, 2024, when the disclosure or transmission is to a governmental agency, its agent or a state educational institution, a duly organized state or county association of licensed physicians or dentists, or a licensed health facility or staff committees of such a facility for the purpose of research, subject to the provisions of Section 14-6-1 NMSA 1978 and subject to the review of an institutional review board (IRB) in compliance with the Health Insurance Portability and Accountability Act (HIPAA) or any succeeding legislation. The preceding addition proposed to the Children's Code found in SB230 mirrors the language already contained in the Mental Health and Developmental Disabilities Code, NMSA 1978, Section 43-1-19(B)(8). SB230 also adds the language "for the disclosure or transmission of confidential information in existence on and after July 1, 2024," to this section of the Mental Health and Developmental Disabilities Code.

**FISCAL IMPLICATIONS**

None.

**SIGNIFICANT ISSUES**

SB230 appears to propose the above changes to the Children's Mental Health and Developmental Disabilities Code to make its requirements regarding disclosures consistent with the requirements already set forth in the Mental Health and Developmental Disabilities Code. This additional proposed disclosure contained in SB230 to the Children's Mental Health and Developmental Disabilities Code does not appear to facially violate the provisions of NMSA 1978, Section 14-6-1, or the federal Health Insurance Portability and Accountability Act (HIPAA).

**PERFORMANCE IMPLICATIONS**

None.

**ADMINISTRATIVE IMPLICATIONS**

None.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

**TECHNICAL ISSUES**

None.

**OTHER SUBSTANTIVE ISSUES**

None.

**ALTERNATIVES**

None.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

If SB230 is not enacted, the Children's Mental Health and Developmental Disabilities Code would not be amended to provide for this specific type of disclosure of confidential information already found in the Mental Health and Developmental Disabilities Code.

**AMENDMENTS**

None.