SENATE BILL 917

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

TIMOTHY Z. JENNINGS

AN ACT

RELATING TO HEALTH; CHANGING REPORTING REQUIREMENTS IN CERTAIN CIRCUMSTANCES.

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) is amended to read:

"24-2B-6. CONFIDENTIALITY.--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 which permits identification of the subject of the test, except to the following persons:

A. the subject of the test or the subject's legally authorized representative, guardian or legal custodian;

B. any person designated in a legally effective

.117275.1

1   release of the test results executed prior to or after the test

2   by the subject of the test or the subject's legally authorized

3   representative;

4   C.   an authorized agent, a credentialed or privileged

5   physician or employee of a health facility or health care

6   provider if the health care facility or health care provider

7   itself is authorized to obtain the test results, the agent or

8   employee provides patient care or handles or processes specimens

9   of body fluids or tissues and the agent or employee has a need

10   to know such information;

11   D.   the department of health [and environment

12   department and the centers for disease control of the United

13   States public health service] in accordance with reporting

14   requirements [for a diagnosed case of acquired immune deficiency

15   syndrome] established by regulation;

16   E.   a health facility or health care provider which

17   procures, processes, distributes or uses:

18   (1)   a human body part from a deceased person,

19   with respect to medical information regarding that person;

20   (2)   semen provided prior to the effective date

21   of the Human Immunodeficiency Virus Test Act for the purpose of

22   artificial insemination;

23   (3)   blood or blood products for transfusion or

24   injection; or

25   (4)   human body parts for transplant with

.117275.1

respect to medical information regarding the donor or recipient;

    F. health facility staff committees or accreditation or oversight review organizations which are conducting program monitoring, program evaluation or service reviews, so long as any identity remains confidential;

    G. authorized medical or epidemiological researchers who may not further disclose any identifying characteristics or information; and

    H. for purposes of application or reapplication for insurance coverage, an insurer or reinsurer upon whose request the test was performed."

- 3 -

.117275.1

1

2   **FORTY-THIRD LEGISLATURE**

3   **FIRST SESSION, 1997**

4

5

6   March 14, 1997

7

8   Mr. President:

9

10   Your **PUBLIC AFFAIRS COMMITTEE**, to whom has been referred

11

12   **SENATE BILL 917**

13

14

15   has had it under consideration and reports same **WITHOUT**

16   **RECOMMENDATION.**

17

18   Respectfully submitted,

19

20

21

22   _____

23   **Shannon Robinson, Chairman**

24

25

      . 117275. 1

Adopted_____   Not Adopted_____

                        (Chief Clerk)   (Chief Clerk)

1

2

3

4   Date _____

5

6

7   The roll call vote was 6 For 0 Against

8   Yes: 6

9   No: 0

10   Excused: Garcia, Adair, Smith

11   Absent: None

12

13

14

15   S0917PA1

16

17

18

19

20

21

22

23

24

25

.117275.1

State of New Mexico

House of Representatives

March 21, 1997

Mr. Speaker:

   Your **CONSUMER AND PUBLIC AFFAIRS COMMITTEE,** to whom
has been referred

SENATE BILL 917

has had it under consideration and reports same with
recommendation that it **DO PASS.**

Respectfully submitted,

_____

Gary King, Chairman

. 117275. 1

1

2 Adopted _____   Not Adopted _____

3   (Chief Clerk)   (Chief Clerk)

4   Date _____

5

6 The roll call vote was _6_ For _0_ Against

7 Yes: 6

8 Excused: Rios, Sandel, Vigil, Trujillo

9 Absent: None

10

11

M:\S0917

12

13

14

15

16

17

18

19

20

21

22

23

24

25

. 117275. 1