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HOUSE JOINT MEMORIAL 30

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

TERRY T. MARQUARDT

FOR THE HEALTH AND WELFARE REFORM COMMITTEE

A JOINT MEMORIAL

REQUESTING THE NEW MEXICO HEALTH POLICY COMMISSION TO REVIEW  
AND MAKE RECOMMENDATIONS REGARDING HEALTH DATA PRIVACY AND  
CONFIDENTIALITY AND HEALTH DATA SECURITY STANDARDS.

WHEREAS, individuals expect confidential, respectful  
treatment of personal information about their health; and

WHEREAS, many participants in the health care system and  
government have legitimate needs to access health care  
information in performing their roles and access to such  
information has potential benefits to the health of New Mexico  
and an effective, efficient health care system; and

WHEREAS, health data is increasingly collected, shared,  
analyzed, accessed and stored by a variety of entities; and

WHEREAS, health data increasingly is electronically  
transmitted, including via the internet, which enhances the

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1 efficiency of the health care system, yet raises concerns  
2 regarding unauthorized access to such data; and

3 WHEREAS, the state is best positioned to ensure an  
4 appropriate balance between the privacy of individuals and the  
5 legitimate needs of access to personal health data; and

6 WHEREAS, New Mexico has multiple fragmented statutes  
7 pertaining to health data confidentiality and privacy and few  
8 provisions for required electronic transmission security; and

9 WHEREAS, the federal Health Insurance Portability and  
10 Accountability Act of 1996, Public Law 104-191, requires the  
11 federal secretary of health and human services to adopt  
12 security transmission standards for a subset of health data  
13 exchanges; and

14 WHEREAS, the secretary of health and human services, in  
15 accordance with Public Law 104-191, has made recommendations  
16 to congress regarding confidentiality and privacy of health  
17 data and congress is expected to establish a minimum level of  
18 protection, allowing states to impose requirements, standards  
19 or implementation specifications that are more stringent;

20 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
21 STATE OF NEW MEXICO that the New Mexico health policy  
22 commission, working with members of the health information  
23 alliance, study and make recommendations concerning the  
24 appropriate protection, access, use, disclosure and electronic  
25 transmission security standards of personal health data; and

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1           BE IT FURTHER RESOLVED that the commission review  
2 federal law and New Mexico law on health data confidentiality  
3 and privacy, electronic transmission of health data and  
4 security standards, and the health care industry and security  
5 technical standards; and

6           BE IT FURTHER RESOLVED that the views of the New Mexico  
7 public and the balance between privacy and benefits to the  
8 state and the health of New Mexico from access to personal  
9 health data be considered; and

10          BE IT FURTHER RESOLVED that careful consideration be  
11 given to the privacy rights of individuals, including the use  
12 and disclosure of personal identifiable health information and  
13 the need for authorization; and

14          BE IT FURTHER RESOLVED that the technical capabilities of  
15 the health care industry and costs of security measures,  
16 especially in regards to implementation by small and rural  
17 health care providers be considered; and

18          BE IT FURTHER RESOLVED that the New Mexico health policy  
19 commission and health information alliance seek participation  
20 by all state government agencies responsible for health,  
21 health care services and insurance; the state chief  
22 information officer; the private health care sector;  
23 consumers; and individuals with security, technical and  
24 pertinent legal expertise; and

25          BE IT FURTHER RESOLVED that the New Mexico health policy

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1 commission present a preliminary report by October 15, 1998  
2 and final assessment and recommendation by October 1, 1999 to  
3 the appropriate legislative committee; and

4 BE IT FURTHER RESOLVED that a copy of this memorial be  
5 sent to the chairman of the New Mexico health policy  
6 commission for distribution to appropriate state departments  
7 and agencies and other persons.

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1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

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6 February 10, 1998

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8 Mr. Speaker:

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10 Your LABOR AND HUMAN RESOURCES COMMITTEE, to  
11 whom has been referred

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13 HOUSE JOINT MEMORIAL 30

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15 has had it under consideration and reports same with  
16 recommendation that it DO PASS, and thence referred to the  
17 JUDICIARY COMMITTEE.

18 Respectfully submitted,

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23 Sheryl M. Williams, Chairman  
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FORTY-THIRD LEGISLATURE  
SECOND SESSION, 1998

3 HLC/HJM 30

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4 Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

6 (Chief Clerk)

(Chief Clerk)

8 Date \_\_\_\_\_

10 The roll call vote was 6 For 0 Against

11 Yes: 6

12 Excused: Gentry, Roberts

13 Absent: None

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