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SENATE BILL 791

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO HEALTH CARE; REQUIRING DISCLOSURE OF FINANCIAL INTEREST BY A HEALTH CARE PROVIDER.

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

Section 1. FINANCIAL INTEREST--DISCLOSURE--REQUIREMENT.--

A. A health care provider who refers to or seeks consultation from an entity in which the health care provider has a financial interest shall disclose this interest to the patient or, if the patient is a minor, to the patient's parents or legal guardian in writing at the time of the referral.

B. If alternative facilities are reasonably available, the health care provider shall provide the patient or patient's parents or legal guardian with a list of alternative facilities. The health care provider shall inform the patient that the patient has the option to use an

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1 alternative facility other than one in which the health care  
2 provider has an investment interest and that the patient will  
3 not be treated differently by the health care provider if the  
4 patient chooses to use another entity.

5 C. For the purposes of this section:

6 (1) "health care provider" means a person  
7 licensed or otherwise authorized by law to provide health care  
8 in the ordinary course of business or practice of his  
9 profession and to have prescriptive authority within the limits  
10 of his license; and

11 (2) "financial interest" means an ownership or  
12 investment interest through debt, equity or any other means.  
13 "Financial interest" does not refer to salary or other  
14 compensation paid to a health care provider by a health  
15 maintenance organization, health insurer or health plan, or any  
16 compensation arrangement involving payment by a group practice  
17 that contracts with a health maintenance organization, health  
18 insurer or health plan to a health care provider in the same  
19 group practice or entity affiliated with the health maintenance  
20 organization, health insurer or health plan. "