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SENATE BILL 12

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

Phil A. Griego

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

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 [~~which~~] that permits identification of the subject of the test, except to the following persons:

.179405.4SA

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1 [~~A.~~] (1) the subject of the test or the
2 subject's legally authorized representative, guardian or legal
3 custodian;

4 [~~B.~~] (2) any person designated in a legally
5 effective release of the test results executed prior to or
6 after the test by the subject of the test or the subject's
7 legally authorized representative;

8 [~~C.~~] (3) an authorized agent, a credentialed
9 or privileged physician or employee of a health facility or
10 health care provider if the health care facility or health care
11 provider itself is authorized to obtain the test results, the
12 agent or employee provides patient care or handles or processes
13 specimens of body fluids or tissues and the agent or employee
14 has a need to know such information;

15 [~~D.~~] (4) the department of health in
16 accordance with reporting requirements established by
17 regulation;

18 (5) the department of health for the purpose
19 of providing partner services;

20 [~~E.~~] (6) a health facility or health care
21 provider [~~which~~] that procures, processes, distributes or uses:

22 [~~(1)~~] (a) a human body part from a
23 deceased person, with respect to medical information regarding
24 that person;

25 [~~(2)~~] (b) semen provided prior to the

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1 effective date of the Human Immunodeficiency Virus Test Act for
2 the purpose of artificial insemination;

3 ~~[(3)]~~ (c) blood or blood products for
4 transfusion or injection; or

5 ~~[(4)]~~ (d) human body parts for
6 transplant with respect to medical information regarding the
7 donor or recipient;

8 ~~[F-]~~ (7) health facility staff committees or
9 accreditation or oversight review organizations ~~[which]~~ that
10 are conducting program monitoring, program evaluation or
11 service reviews, so long as any identity remains confidential;

12 ~~[G-]~~ (8) authorized medical or epidemiological
13 researchers who may not further disclose any identifying
14 characteristics or information; and

15 ~~[H-]~~ (9) for purposes of application or
16 reapplication for insurance coverage, an insurer or reinsurer
17 upon whose request the test was performed.

18 B. For the purposes of this section:

19 (1) "partner services" means a protocol that
20 the department of health establishes by regulation for
21 contacting individuals whom it identifies to be at risk of
22 human immunodeficiency virus infection due to contact with an
23 individual whom it has identified, through reporting made
24 pursuant to Paragraph (4) of Subsection A of this section, as
25 having been infected with human immunodeficiency virus; and

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