

A MEMORIAL

HONORING THE MEMORY OF KATIE FAITH MARTINEZ AND REQUESTING THE NEW MEXICO HEALTH POLICY COMMISSION TO CONVENE A TASK FORCE TO STUDY THE RIGHTS OF HEALTH CARE PATIENTS, THE MANNER IN WHICH PATIENTS' RIGHTS ARE CONSIDERED IN THE DELIVERY OF HEALTH CARE IN NEW MEXICO AND HOW TO BEST PROMOTE AND PROTECT THOSE RIGHTS AND RAISE PATIENTS' AWARENESS OF THEIR RIGHTS IN NEW MEXICO'S HEALTH CARE FACILITIES.

WHEREAS, Katie Faith Martinez was three years old when she died during a procedure performed by a locum tenens or "temp" doctor; and

WHEREAS, members of the Martinez family report that they would have sought additional opinions and review of Katie's medical care had they known Katie was being treated by people who were not physicians and who were not members of the staff of the hospital where she was being treated; and

WHEREAS, every health care patient is entitled to receive effective health care; and

WHEREAS, every patient, and every guardian, agent, surrogate or other person with the right to make health care decisions on a patient's behalf, is entitled to receive information about the patient's health care that will allow them to make informed choices; and

WHEREAS, the public is entitled to be made aware of the

rights that health care patients have in New Mexico; and

WHEREAS, every patient has a right to be told the identity, professional status and qualifications of each person providing health care to the patient; and

WHEREAS, every patient has a right to considerate and respectful care at all times and under all circumstances, with recognition of that patient's personal dignity; and

WHEREAS, every patient has a right to complete and current information concerning diagnosis, treatment and any known prognosis in terms the patient can reasonably be expected to understand; and

WHEREAS, every patient has a right to receive, to the fullest extent possible under the circumstances, all information necessary to give informed consent prior to the start of any medical procedure or treatment; and

WHEREAS, every patient has a right to be made aware of the patient's right to refuse treatment, to the extent permitted by law, and to be informed of the medical consequences of any exercise of that right; and

WHEREAS, every patient has a right to be afforded every consideration of privacy concerning the patient's medical care or treatment; and

WHEREAS, every patient has a right to be allowed the expectation that all communications and records pertaining to the patient's care or treatment will be treated as

confidential; and

WHEREAS, every patient has a right to expect reasonable continuity of care and to be informed by the attending physician of any continuing health care requirements following discharge; and

WHEREAS, every patient has a right to an itemized, detailed and understandable explanation of health care charges, regardless of the source of payment; and

WHEREAS, every patient has a right to request and to receive copies of the patient's medical records as permitted by law; and

WHEREAS, every patient has a right to an interpreter when the patient does not speak the predominant language of the community, is deaf or is hearing impaired; and

WHEREAS, the most effective vehicle through which to ensure that health care patients' fundamental rights are promoted and protected is to codify them into New Mexico law;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that the memory of Katie Faith Martinez be honored; and

BE IT FURTHER RESOLVED that the New Mexico health policy commission be requested to convene a task force to study the rights of health care patients and the manner in which health care facilities in the state consider patients' rights in the delivery of health care; and

BE IT FURTHER RESOLVED that the task force include representatives from the New Mexico trial lawyers association and foundation, the New Mexico hospital association, the department of health and others as the New Mexico health policy commission deems appropriate; and

BE IT FURTHER RESOLVED that the task force make legislative recommendations to ensure that New Mexico patients' health care rights are protected and that patients are made aware of their fundamental rights as patients; and

BE IT FURTHER RESOLVED that the New Mexico health policy commission report the findings and legislative recommendations of the task force to the legislative health and human services committee by October 2011; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the director of the New Mexico health policy commission, Deborah and Melvin Martinez, the president of the New Mexico trial lawyers association and foundation, the president of the New Mexico hospital association and the secretary of health.