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SENATE BILL 101

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Sander Rue

AN ACT

RELATING TO CONFIDENTIALITY OF RECORDS; REQUIRING HEALTH CARE
REVIEW ORGANIZATIONS TO RESPOND TO NEW MEXICO MEDICAL BOARD
SUBPOENAS.

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

SECTION 1. Section 41-9-5 NMSA 1978 (being Laws 1979,
Chapter 169, Section 5) is amended to read:

"41-9-5. CONFIDENTIALITY OF RECORDS OF REVIEW
ORGANIZATION.--All data and information acquired by a review
organization in the exercise of its duties and functions shall
be held in confidence and shall not be disclosed to anyone
except to the extent necessary to carry out one or more of the
purposes of the review organization, ~~[or]~~ in a judicial appeal
from the action of ~~[a]~~ the review organization or when
subpoenaed by the New Mexico medical board. No person

underscoring material = new
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1 described in Section [~~4 of the Review Organization Immunity~~
2 ~~Act~~] 41-9-4 NMSA 1978 shall disclose what transpired at a
3 meeting of a review organization except to the extent necessary
4 to carry out one or more of the purposes of [~~a~~] the review
5 organization, [~~or~~] in a judicial appeal from the action of [~~a~~]
6 the review organization or when subpoenaed by the New Mexico
7 medical board. Information, documents or records otherwise
8 available from original sources shall not be immune from
9 discovery or use in any civil action merely because they were
10 presented during proceedings of a review organization, nor
11 shall any person who testified before a review organization or
12 who is a member of a review organization be prevented from
13 testifying as to matters within [~~his~~] the person's knowledge,
14 but a witness cannot be asked about opinions formed by [~~him~~]
15 the witness as a result of the review organization's hearings."