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HOUSE BILL 981

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

SHERYL M WILLIAMS

AN ACT

RELATING TO CRIMINAL OFFENSES; AMENDING THE RESIDENT ABUSE AND
NEGLECT ACT TO REQUIRE IMMEDIATE REPORTING; MAKING IT A CRIME TO
OBSTRUCT, IMPEDE OR INTERFERE WITH THE REPORTING OF ABUSE,
NEGLECT OR EXPLOITATION.

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

Section 1. Section 30-47-9 NMSA 1978 (being Laws 1990,
Chapter 55, Section 9) is amended to read:

"30-47-9. REPORTING REQUIREMENTS-- FAILURE TO REPORT-- CRIME
CREATED-- CRIMINAL PENALTY-- DISCRIMINATION OR RETALIATION FOR
FILING A REPORT PROHIBITED. --

A. Any person paid in whole or part for providing to
a resident any treatment, care, good, service or medication who
has reasonable cause to believe that the resident has been
abused, neglected or exploited shall, immediately upon

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1 discovery, report the abuse, neglect or exploitation in
2 accordance with the provisions of Section 27-7-30 NMSA 1978.

3 B. Any person required to make a report pursuant to
4 Subsection A of this section who fails to do so, or who
5 obstructs, impedes or interferes with the reporting of the
6 abuse, neglect or exploitation required by Subsection A of this
7 section, is guilty of a misdemeanor and upon conviction shall be
8 sentenced pursuant to the provisions of Subsection A of Section
9 31-19-1 NMSA 1978. For the purposes of this subsection,
10 "interferes" includes when a person undertakes an investigation
11 of the person's own alleged abuse, neglect or exploitation
12 without first reporting that alleged abuse, neglect or
13 exploitation to the department or other appropriate agency as
14 required under the provisions of the Resident Abuse and Neglect
15 Act.

16 C. In addition to those persons required to report
17 pursuant to Subsection A of this section, any other person shall
18 make a report, immediately upon discovery, if the person has
19 reasonable cause to believe that a patient or resident of a
20 facility has been abused, neglected or exploited.

21 D. Any person making a report pursuant to Subsection
22 C of this section shall not be liable in any civil or criminal
23 action based on the report if it was made in good faith.

24 E. No facility shall, without just cause, discharge
25 or in any manner discriminate or retaliate against any person

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1 who in good faith makes a report required or permitted by the
2 Resident Abuse and Neglect Act or who testifies or is about to
3 testify in any proceeding about the abuse, neglect or
4 exploitation of a resident in that facility. For the purposes
5 of this section, "retaliate" includes transferring to another
6 facility, without just cause, over the objection of the resident
7 or the resident's guardian, any resident who has reported an
8 incident pursuant to this section."

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State of New Mexico
House of Representatives

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 5, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 981

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 2, line 15, after the period insert:

"Interference under this section shall not include efforts by
facilities or individuals to establish whether there is reasonable
cause to believe that there is resident abuse, neglect or
exploitation." ,

and thence referred to the APPROPRIATIONS AND FINANCE

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HJC/HB 981

Page 5

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COMMI TTEE.

Respectfully submitted,

Thomas P. Foy, Chairman

Adopted _____

Not Adopted _____

(Chi ef Clerk)

(Chi ef Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Alwin, King, Larranaga, Rios, Sanchez

Absent: None

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 10, 1997

Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to
whom has been referred

HOUSE BILL 981, as amended

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 2, line 11, strike "person's own".
2. On page 2, line 11, after "exploitation" insert "within
the person's operation and control".

Respectfully submitted,

Max Coll, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Coll, Garcia, M H., Knowles, Marquardt, Picraux,
Salazar, Townsend,

Absent: None

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

Page 8

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 19, 1997

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 981, as amended

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Fernando R. Macias, Chairman

Adopted _____ Not Adopted _____

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Sanchez, Tsosie, Vernon

Absent: None

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