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HOUSE BILL 610

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Nick L. Salazar

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO HEALTH CARE DATA; AUTHORIZING ADOPTION OF
STANDARDS FOR HEALTH CARE DATA AND ELECTRONIC DATA EXCHANGE;
ENACTING THE HEALTH DATA STANDARDS ACT; MAKING AN
APPROPRIATION.

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

Section 1. SHORT TITLE. -- This act may be cited as the
"Health Data Standards Act".

Section 2. PURPOSE. -- The purpose of the Health Data
Standards Act is to improve the efficiency and effectiveness
of the health care system and state government by:

- A. establishing data and electronic exchange standards for health data and information;
- B. promoting data sharing among state agencies;
- C. reducing redundant data entry and duplicate

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- 1 databases;
- 2 D. streamlining reporting to state agencies by the
- 3 private sector;
- 4 E. reducing health care administrative expenses;
- 5 and
- 6 F. promoting the exchange of information for
- 7 improved care.

8 Section 3. DEFINITIONS. -- As used in the Health Data
9 Standards Act:

- 10 A. "commission" means the New Mexico health policy
- 11 commi ssi on;
- 12 B. "electronic data interchange" or "data
- 13 exchange" means the computer-to-computer exchange of strictly
- 14 formatted messages;
- 15 C. "health care facility" means a facility
- 16 licensed by the department of health;
- 17 D. "health data" means data or information,
- 18 regardless of its form or medium that:
 - 19 (1) is created or received by a health care
 - 20 provider, health care facility, health plan, state or
 - 21 political subdivision, employer, life insurer, school,
 - 22 university or health data clearinghouse; and
 - 23 (2) relates to the physical or mental health
 - 24 or condition of a person, the provision of health care or
 - 25 payment for health care to a person;

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1 E. "health data clearinghouse" means a public or
2 private person that processes or facilitates the processing of
3 nonstandard data elements of health information into standard
4 data elements;

5 F. "person" means an individual or other legal
6 entity, including the state or a department, agency,
7 institution or political subdivision of the state; and

8 G. "standard-setting organization" means an
9 organization accredited by the American national standards
10 institute, including the national council for prescription
11 drug programs, that develops standards for information
12 transactions, data elements or any other standards used in the
13 implementation of the Health Data Standards Act.

14 Section 4. HEALTH DATA STANDARDS--APPLICABILITY.--

15 A. Standards adopted pursuant to the Health Data
16 Standards Act shall apply to the data and the exchange of data
17 between the following:

- 18 (1) licensed health care providers;
- 19 (2) licensed health care facilities;
- 20 (3) persons licensed as health insurers by
21 the insurance division of the public regulation commission;
- 22 (4) a group health plan, if the plan has
23 fifty or more participants or if it is administered by a
24 person other than the employer who established and maintains
25 the plan;

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1 (5) state and political subdivisions paying
2 for or providing health services or collecting health data;
3 and

4 (6) health data clearinghouses.

5 B. Data definition standards and data exchange
6 standards adopted pursuant to the Health Data Standards Act
7 shall apply to the following data exchanges:

8 (1) health claims or equivalent encounter
9 information;

10 (2) enrollment and disenrollment in a health
11 plan;

12 (3) eligibility for a health plan;

13 (4) health care payment and remittance;

14 (5) health plan premium payments;

15 (6) first report of injury;

16 (7) referral certification and authorization;

17 (8) required reporting of health data to the
18 state;

19 (9) electronic transmission of medical
20 records;

21 (10) retrieval by the public or other
22 nonstate government entity of health data maintained by
23 government; and

24 (11) other clinical, financial or
25 administrative exchanges of health or health-related data

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1 established by the commission by rule.

2 C. A person is considered in compliance with the
3 Health Data Standards Act by submitting nonstandard data
4 elements to a health data clearinghouse for processing into
5 standard data elements and transmission by the health data
6 clearinghouse.

7 D. Standards adopted pursuant to the Health Data
8 Standards Act:

9 (1) are applicable to data and the exchange
10 and retrieval of information between entities, including state
11 departments and agencies;

12 (2) shall not supersede department or agency
13 standards and policies for data exchange and retrieval within
14 departments or agencies; and

15 (3) shall only be required for new or
16 redesigned systems implemented after January 1, 2003.

17 Section 5. DATA STANDARDS-- ESTABLISHMENT. --

18 A. No later than January 1, 2001, the commission
19 shall adopt standard health care data definitions and
20 establish a health data dictionary and electronic data
21 exchange standards for health data.

22 B. In adopting the standard health care data
23 definitions and electronic data exchange standards for health
24 data, the commission shall:

25 (1) incorporate those standards required and

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1 established pursuant to the federal Health Insurance
2 Portability and Accountability Act of 1996;

3 (2) review and take into consideration public
4 and private functional data dictionaries and electronic data
5 exchange standards currently in use;

6 (3) consult with the health information
7 alliance and the health information system advisory committee
8 memberships;

9 (4) except as provided for in Subsection C of
10 this section, use standards that have been developed or
11 adopted by a standard-setting organization; and

12 (5) seek advice from the information systems
13 division of the general services department.

14 C. The commission may adopt a standard that is
15 different from any standard developed or adopted by a
16 standard-setting organization if:

17 (1) the different standard substantially
18 reduces costs to health care providers, health insurers or the
19 government compared to the alternative;

20 (2) the different standard minimizes the need
21 for redundant data reporting to state government by the
22 private sector or redundant data maintenance by government or
23 the different standard substantially improves the appropriate
24 exchange of data to enhance information as an asset;

25 (3) no standard-setting organization has

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1 developed, adopted or modified any standard relating to a
2 standard that the commission is authorized or required to
3 adopt under the Health Data Standards Act; or

4 (4) the different standard is required to
5 comply with the purpose of the Health Data Standards Act; and

6 (5) the standard is promulgated in accordance
7 with the commission's procedures for promulgating rules.

8 Section 6. IMPLEMENTATION. --

9 A. Except as provided in Subsection B of this
10 section, standards adopted by the commission for all new or
11 redesigned systems shall be implemented no later than January
12 1, 2003.

13 B. The commission, after consultation with the
14 insurance division of the public regulation commission, may
15 grant a temporary waiver of compliance with provisions of the
16 Health Data Standards Act if the requester can demonstrate
17 proof of inability to comply due to no fault of its own or if
18 compliance would impose a substantial burden that outweighs
19 the benefit to the health care system in New Mexico.

20 Section 7. STANDARD MODIFICATIONS. --The commission shall
21 establish procedures for the routine review, modification,
22 enhancement and expansion of the standards.

23 Section 8. APPROPRIATION. --One hundred thirty thousand
24 dollars (\$130,000) is appropriated from the general fund to
25 the New Mexico health policy commission for expenditure in

1 fiscal year 2000 for professional services contracts necessary
2 to carry out the provisions of the Health Data Standards Act.
3 Any unexpended or unencumbered balance remaining at the end of
4 fiscal year 2000 shall revert to the general fund.

5 Section 9. EFFECTIVE DATE. --The effective date of the
6 provisions of this act is July 1, 1999.

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1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 February 23, 1999
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8 Mr. Speaker:
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10 Your LABOR AND HUMAN RESOURCES COMMITTEE, to
11 whom has been referred
12

13 HOUSE BILL 610
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15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to the
17 APPROPRIATIONS AND FINANCE COMMITTEE.

18 Respectfully submitted,
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22 _____
23 Sheryl Williams Stapleton,
24 Chairwoman
25

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HOUSE BILL 610

Page 10

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

Excused: None

Absent: Foley, Roberts, Thompson, Tripp

J: \99BillSWP\H0610

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1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999
3

4 February 26, 1999
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7 Mr. Speaker:
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9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
10 whom has been referred

11 HOUSE BILL 610
12

13 has had it under consideration and reports same with
14 recommendation that it DO PASS, amended as follows:
15

16 1. On page 1, lines 13 and 14, strike "; MAKING AN
17 APPROPRIATION".

18 2. On page 7, strike lines 23 through 25 and on page 8,
19 strike lines 1 through 4.
20

21 3. Renumber the succeeding section accordingly.
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

Page 12

Respectfully submitted,

Max Coll, Chairman

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 15 For 0 Against

Yes: 15

Excused: Buffett, Watchman

Absent: None

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

March 7, 1999

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

HOUSE BILL 610, as amended

has had it under consideration and reports same with recommendation that it DO PASS, and thence referred to the FINANCE COMMITTEE.

Respectfully submitted,

Shannon Robinson, Chairman

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Boitano, Garcia, Howes, Ingle

Absent: None

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

March 11, 1999

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

HOUSE BILL 610, as amended

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

Respectfully submitted,

Ben D. Altamirano, Chairman

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 1 Against

Yes: 6

No: Wilson

Excused: Campos, Ingle, McKibben, Rodriguez, Smith, Altamirano

Absent: None

H0610FC1