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SENATE BILL 463

**57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

INTRODUCED BY  
Martin Hickey

AN ACT

RELATING TO HEALTH; AMENDING THE DEFINITION OF "RECORD-LEVEL DATA" IN THE HEALTH INFORMATION SYSTEM ACT; ALLOWING THE STAFF OF THE LEGISLATIVE FINANCE COMMITTEE TO ACCESS INFORMATION AND DATA THAT ARE RELATED TO PAYER SOURCES.

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

SECTION 1. Section 24-14A-2 NMSA 1978 (being Laws 1989, Chapter 29, Section 2, as amended) is amended to read:

"24-14A-2. DEFINITIONS.--As used in the Health Information System Act:

A. "aggregate data" means data that are obtained by combining like data elements in a manner that precludes specific identification of a single client;

B. "data source" or "data provider" means a person that possesses health information, including the health care

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1 authority, any public or private sector licensed health care  
2 practitioner, primary care clinic, ambulatory surgery center,  
3 ambulatory urgent care center, ambulatory dialysis unit, home  
4 health agency, long-term care facility, hospital, pharmacy,  
5 third-party payer and any public entity that has health  
6 information;

7 C. "department" means the department of health;

8 D. "health information" or "health data" means any  
9 data relating to health care; health status, including  
10 environmental, social and economic factors; the health system;  
11 or health costs and financing;

12 E. "hospital" means any general or special hospital  
13 licensed by the health care authority, whether publicly or  
14 privately owned;

15 F. "long-term care facility" means any skilled  
16 nursing facility or nursing facility licensed by the health  
17 care authority, whether publicly or privately owned;

18 G. "record-level data" means a medical record that  
19 contains unique ~~[and nonaggregated data elements that relate to~~  
20 ~~a single identifiable individual]~~ identifying data, including a  
21 name, personal address, personal phone number, social security  
22 number, patient record or other unique identifying data that  
23 could be used to identify a specific person; and

24 H. "third-party payer" means any public or private  
25 payer of health care services and includes health maintenance

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1 organizations and health insurers."

2 SECTION 2. Section 24-14A-6 NMSA 1978 (being Laws 1989,  
3 Chapter 29, Section 6, as amended) is amended to read:

4 "24-14A-6. HEALTH INFORMATION SYSTEM--ACCESS.--

5 A. Access to data in the health information system  
6 shall be provided in accordance with rules adopted by the  
7 department pursuant to the Health Information System Act.

8 B. A data provider may obtain data it has submitted  
9 to the system, as well as aggregate data, but, except as  
10 provided in Subsection [D] E of this section, it shall not have  
11 access to data submitted by another provider that are limited  
12 only to that provider unless those data are aggregated data and  
13 publicly disseminated by the department. Except as provided in  
14 Subsection [D] E of this section, in no event may a data  
15 provider obtain data regarding an individual patient except in  
16 instances where the data were originally submitted by the  
17 requesting provider. Prior to the release of any data, in any  
18 form, data sources shall be permitted the opportunity to verify  
19 the accuracy of the data pertaining to that data source. Data  
20 identified in writing as inaccurate shall be corrected prior to  
21 the data's release. Time limits shall be set for the  
22 submission and review of data by data sources, and penalties  
23 shall be established for failure to submit and review the data  
24 within the established time.

25 C. Any person may obtain any aggregate data

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1 publicly disseminated by the department.

2 D. Health care claims information and data that are  
3 related to payer sources shall be provided to the staff of the  
4 legislative finance committee, as long as the information or  
5 data does not reveal the personal information of any patient  
6 that is included in the information or the data.

7 ~~[D.]~~ E. Through a secure delivery or transmission  
8 process, the department may share record-level data with the  
9 health care authority or a federal agency that is authorized to  
10 collect, analyze or disseminate health information. The  
11 department shall remove identifiable individual or provider  
12 information from the record-level data prior to its disclosure  
13 to the federal agency. In providing hospital information under  
14 an agreement or arrangement with a federal agency, the  
15 department shall ensure that any identifiable hospital  
16 information disclosed is necessary for the agency's authorized  
17 use and that its disclosure meets with state and federal  
18 privacy and confidentiality laws, rules and regulations."

19 SECTION 3. Section 24-14A-8 NMSA 1978 (being Laws 1989,  
20 Chapter 29, Section 8, as amended) is amended to read:

21 "24-14A-8. HEALTH INFORMATION SYSTEM--CONFIDENTIALITY.--

22 A. Health information collected and disseminated  
23 pursuant to the Health Information System Act is strictly  
24 confidential and shall not be a matter of public record or  
25 accessible to the public except as provided in this section and

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1 Sections 24-14A-6 and 24-14A-7 NMSA 1978. No data source shall  
2 be liable for damages to any person for having furnished the  
3 information to the department.

4 B. Record-level data provided to the department  
5 pursuant to Section 24-14A-6 NMSA 1978 are confidential. The  
6 agency that receives record-level data shall not disclose the  
7 data except to the extent that they are included in a  
8 compilation of aggregate data.

9 C. Health care claims information and data that are  
10 related to payer sources that are provided to the staff of the  
11 legislative finance committee shall have all confidential  
12 record-level data removed, including identifiable patient  
13 information, and the department shall replace the confidential  
14 record-level data with a unique code to identify each unique  
15 patient.

16 [~~G.~~] D. The individual forms, electronic  
17 information or other forms of data collected by and furnished  
18 for the health information system shall not be public records  
19 subject to inspection pursuant to Section 14-2-1 NMSA 1978.  
20 The department may release or disseminate aggregate data,  
21 including those data that pertain to a specifically identified  
22 hospital or other type of health facility. These data shall be  
23 public records if the release of these data does not violate  
24 state or federal law relating to the privacy and  
25 confidentiality of individually identifiable health

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information."

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