

LFC Requester:	Eric Chenier
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Bill Number: 2.20.25 *Check all that apply:*
HB430 Original Correction
 Amendment Substitute

Sponsor: Debra M. Sariñana; Marianna Anaya; Elizabeth "Liz" Thomson; Joanne J. Ferrary
Short Title: Health Data Privacy Act

Agency Name and Code: New Mexico Retiree Health Care Authority 34300
Person Writing: Mark Hayden
Phone: 505-377-9012 **Email:** mark.hayden@rhca.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	RHCA Benefits Fund

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: This Bill enacts the “Health Data Privacy Act” which defines various items in the Health Data Privacy Act, such as de-identified data, process, regulated entity, regulated health information, service provider, and third party. The Bill pertains to regulated entities and processing of regulated health information including the collection, use, access, sharing, sale, monetization, brokerage, analysis, retention, creation, generation, derivation, recording, organization, structuring, modification, storage, disclosure, transmission, disposal, licensing, destruction, deletion, modification or reidentification. The Bill would be effective July 1, 2025.

FISCAL IMPLICATIONS

The fiscal impact of the legislation on the New Mexico Retiree Health Care Authority (NMRHCA) already follows Federal HIPAA laws and other state privacy laws. However, SB430 introduces new provisions to further protect the privacy and security of health information, including ensuring compliance and transparency with the broader scope of the processing by third parties who are contracted for analytics of plan data. There may be some required adjustments to comply with the new proposed requirements of the Health Data Privacy Act but anticipate minimal impact.

SIGNIFICANT ISSUES

This bill will require an evaluation of current policies and practices to protect patient health information. New Mexico Retiree Health Care Authority follows many federal and state regulations related to health data privacy, such as the Health Insurance Portability and Accountability Act (HIPAA). NMRHCA conducts an annual HIPAA training for all our customer service and staff, which includes information an training throughout the year. Information is sent to our data warehouse for reporting, which maintains strict encryption and security firewalls to protect it. Access to this claims data is extremely limited to ensure additional privacy and security.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

Current policies and procedures may require updates to systems and administration of private information. Strict guidelines are currently in placed due to the Health Insurance Portability and Accountability Act, which requires the agency to follow electronic data interchange procedures and maintain the privacy and security of all electronic, written or oral information.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None, as the agency would continue to protect any data or information as required by the Health Insurance Portability and Accountability Act and any other federal and state regulations for all protected health information.

AMENDMENTS

None.