SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR SENATE BILL 315

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

AN ACT

RELATING TO HEALTH FACILITIES; PROVIDING FOR OVERSIGHT OF HOSPITALS, LONG-TERM CARE FACILITIES AND PRIMARY CARE CLINICS BY THE SECRETARY OF HEALTH; ENACTING A NEW SECTION OF THE PUBLIC HEALTH ACT.

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

Section 1. Section 24-1-1 NMSA 1978 (being Laws 1973, Chapter 359, Section 1) is amended to read:

"24-1-1. SHORT TITLE.--[Sections 1 through 22 of this act] Chapter 24, Article 1 NMSA 1978 may be cited as the "Public Health Act"."

Section 2. A new section of the Public Health Act is enacted to read:

"[NEW MATERIAL] CONDITIONS OF LICENSURE. --

A. A hospital, a long-term care facility or a . 151352.1

primary care clinic, as a condition of licensure, shall provide information sufficient for the secretary to make a reasonable assessment based on clear and convincing evidence of its financial viability, sustainability and potential impact on health care access. Information provided to the secretary pursuant to this section shall remain confidential, is exempt from the Inspection of Public Records Act and shall not be used as a basis for suspension, revocation or issuance of a license. The hospital, long-term care facility or primary care clinic shall provide this information to the secretary at least sixty days before the anticipated effective date of a proposed licensure, closure, disposition or acquisition of the hospital, the long-term care facility or the primary care clinic or its essential services required as a condition of licensure.

- B. The secretary shall issue a notice of finding to the facility within sixty days of receiving information from the facility.
 - C. For the purposes of this section:
- (1) "hospital" means a facility providing emergency or urgent care, inpatient medical care and nursing care for acute illness, injury, surgery or obstetrics.

 "Hospital" includes a facility licensed by the department as a critical access hospital, general hospital, long-term acute care hospital, psychiatric hospital, rehabilitation hospital, limited services hospital and special hospital;

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(2)	"long-term care facility" means a nursing
home licensed by the	e department to provide intermediate or
skilled nursing care	y and

(3) "primary care clinic" means a community-based clinic that provides the first level of basic or general health care for an individual's health needs, including diagnostic and treatment services and, if integrated into the clinic's service array, mental health services."

Section 3. TEMPORARY PROVISION--OVERSIGHT OF OTHER HEALTH FACILITIES.--The secretary of health shall evaluate the need to apply the provisions of this act to all other health facilities as defined in Section 24-1-2 NMSA 1978. The secretary shall report findings and recommendations to the legislative health and human services committee by October 1, 2004.

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