

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.

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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.--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:

"REPORTING REQUIREMENTS.--

A. A hospital, a long-term care facility or a primary care clinic 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, unless disclosure or use is mandated by the state or federal  
law, 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.

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;

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