

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

S
P
A
C
/
S
B

3
1
5
P
a
g
e

1

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

10 "24-1-1. SHORT TITLE.--Chapter 24, Article 1 NMSA 1978 may be cited as
11 the "Public Health Act"."

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

13 "REPORTING REQUIREMENTS.--

14 A. A hospital, a long-term care facility or a primary care clinic, shall
15 provide information sufficient for the secretary to make a reasonable assessment
16 based on clear and convincing evidence of its financial viability, sustainability and
17 potential impact on health care access. Information provided to the secretary
18 pursuant to this section shall remain confidential, is exempt from the Inspection of
19 Public Records Act, unless disclosure or use is mandated by the state or federal
20 law, and shall not be used as a basis for suspension, revocation or issuance of a
21 license. The hospital, long-term care facility or primary care clinic shall provide this
22 information to the secretary at least sixty days before the anticipated effective date
23 of a proposed licensure, closure, disposition or acquisition of the hospital, the long-
24 term care facility or the primary care clinic or its essential services.

25 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 (1) "hospital" means a facility providing emergency or urgent
2 care, inpatient medical care and nursing care for acute illness, injury, surgery or
3 obstetrics. "Hospital" includes a facility licensed by the department as a critical
4 access hospital, general hospital, long-term acute care hospital, psychiatric
5 hospital, rehabilitation hospital, limited services hospital and special hospital;

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

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

12 Section 3. TEMPORARY PROVISION--OVERSIGHT OF OTHER HEALTH
13 FACILITIES.--The secretary of health shall evaluate the need to apply the
14 provisions of this act to all other health facilities as defined in Section 24-1-2 NMSA
15 1978. The secretary shall report findings and recommendations to the legislative
16 health and human services committee by
17 October 1, 2004.

18
19
20
21
22
23
24
25