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HOUSE BILL 440

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

INTRODUCED BY

Danice Picraux

AN ACT

RELATING TO DOMESTIC ABUSE; REQUIRING MEDICAL PERSONNEL TO  
DOCUMENT DOMESTIC ABUSE OF A PERSON AND TO PROVIDE INFORMATION  
AND REFERRAL TO SERVICES; PROVIDING FOR CONFIDENTIALITY OF  
MEDICAL COMMUNICATIONS RELATED TO DOMESTIC ABUSE.

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

Section 1. A new section of the Family Violence  
Protection Act is enacted to read:

"[NEW MATERIAL] MEDICAL PERSONNEL--DOCUMENTATION OF  
DOMESTIC ABUSE.--

A. When medical personnel who are interviewing,  
examining, attending or treating a person:

(1) receive a report from the person of an act  
of domestic abuse, the medical personnel shall document the  
nature of the abuse and the name of the alleged perpetrator of

.152774.2

underscoring material = new  
[bracketed material] = delete

1 the abuse in the person's medical file and shall provide the  
2 person with information and referral to services for victims of  
3 domestic abuse; or

4 (2) may have reason to believe or suspect that  
5 the person is a victim of domestic abuse, the medical personnel  
6 shall provide the person with information and referral to  
7 services for victims of domestic abuse.

8 B. Medical and other health care related  
9 information or communications concerning domestic abuse of a  
10 person obtained by or from medical personnel during the course  
11 of an interview, examination, diagnosis or treatment are  
12 confidential communications unless released with the prior  
13 written consent of the person or pursuant to a court order.

14 C. As used in this section, "medical personnel"  
15 means:

16 (1) licensed health care practitioners;  
17 (2) licensed emergency medical technicians;  
18 (3) health care practitioners who interview,  
19 examine, attend or treat a person and who are under the  
20 guidance or supervision of licensed health care practitioners;  
21 and

22 (4) residents and interns."

23 Section 2. EFFECTIVE DATE.--The effective date of the  
24 provisions of this act is July 1, 2005.