

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:

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

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

B. Medical and other health care related information or communications concerning domestic abuse of a person obtained by or from medical personnel during the course

of an interview, examination, diagnosis or treatment are confidential communications unless released:

- (1) with the prior written consent of the person;
- (2) pursuant to a court order; or
- (3) when necessary to provide treatment, payment and operations in accordance with the federal Health Insurance Portability and Accountability Act.

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

- (1) licensed health care practitioners;
- (2) licensed emergency medical technicians;
- (3) health care practitioners who interview, examine, attend or treat a person and who are under the guidance or supervision of licensed health care practitioners; and
- (4) residents and interns."

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