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AN ACT
RELATING TO HEALTH AND SAFETY; PROVIDING FOR HEALTH
INFORMATION TECHNOLOGY; CHANGING THE NAME OF THE NEW MEXICO
TELEHEALTH COMMISSION ACT AND THE NEW MEXICO TELEHEALTH
COMMISSION.

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

Section 1. Section 24-1G-1 NMSA 1978 (being Laws 2005,
Chapter 55, Section 1) is amended to read:

"24-1G-1. SHORT TITLE.-- Chapter 24, Article 1G NMSA
1978 may be cited as the "New Mexico Telehealth and Health
Information Technology Commission Act"."

Section 2. Section 24-1G-2 NMSA 1978 (being Laws 2005,
Chapter 55, Section 2) is amended to read:

"24-1G-2. PURPOSE.--The purpose of creating a
telehealth and health information technology commission is to
encourage a single, coordinated statewide effort to create a
telehealth and health information technology system that:

A. provides and supports health care delivery,
diagnosis, consultation, treatment, transfer of medical data
and education when distance separates a patient and a health
care provider; multiple health care providers involved in
patient care; and health care providers and educational or
professional activities;

B. addresses the problems of provider distribution SB 538
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1 in medically underserved areas of the state;

2 C. strengthens the health infrastructure;

3 D. attracts and retains health care providers in
4 rural areas; and

5 E. helps reduce costs associated with health care
6 and make health care more affordable."

7 Section 3. Section 24-1G-3 NMSA 1978 (being Laws 2005,
8 Chapter 55, Section 3) is amended to read:

9 "24-1G-3. DEFINITIONS.--As used in the New Mexico
10 Telehealth and Health Information Technology Commission Act:

11 A. "commission" means the New Mexico telehealth
12 and health information technology commission;

13 B. "health information technology" means products,
14 devices or systems that allow for the secure electronic
15 collection, storage, exchange or management of patient
16 information; and

17 C. "telehealth" means the use of electronic
18 information, imaging and communication technologies,
19 including interactive audio, video and data communications as
20 well as store-and-forward technologies, to provide and
21 support health care delivery, diagnosis, consultation,
22 treatment, transfer of medical data and education."

23 Section 4. Section 24-1G-4 NMSA 1978 (being Laws 2005,
24 Chapter 55, Section 4) is amended to read:

25 "24-1G-4. NEW MEXICO TELEHEALTH AND HEALTH INFORMATION

1 TECHNOLOGY COMMISSION CREATED--POWERS AND DUTIES--
2 MEMBERSHIP.--

3 A. The "New Mexico telehealth and health
4 information technology commission" is created. The
5 commission is administratively attached to the department of
6 health, which shall work in conjunction with the New Mexico
7 health policy commission, in accordance with the Executive
8 Reorganization Act.

9 B. The commission shall consist of no more than
10 twenty-five members with members, one-third of whom shall be
11 from rural areas, chosen from the following categories, all
12 of whom shall be appointed by and serve at the pleasure of
13 the governor:

- 14 (1) health care facilities;
- 15 (2) health care practitioners;
- 16 (3) health care workforce educators;
- 17 (4) telehealth technology experts;
- 18 (5) the telecommunications industry;
- 19 (6) the business community;
- 20 (7) health care insurance providers or other
21 health care payers;
- 22 (8) the health information technology
23 industry;
- 24 (9) Indian nations, tribes and pueblos;
- 25 (10) legislators;

- 1 (11) state agencies responsible for:
2 (a) telecommunications;
3 (b) public health;
4 (c) medicaid and social services;
5 (d) workforce development;
6 (e) children's health and social
7 services;
8 (f) services for the elderly and
9 disabled;
10 (g) criminal justice;
11 (h) health policy and planning; and
12 (i) education; and

13 (12) other members as the governor may
14 appoint to ensure appropriate cultural and geographic
15 representation and the interests of the public.

16 C. The commission shall:

17 (1) identify how telehealth and health
18 information technology can be used to increase access to care
19 and implement state comprehensive health plans;

20 (2) identify barriers to telehealth and
21 health information technology utilization and expansion,
22 including payment, infrastructure, training and workforce
23 availability;

24 (3) inventory the state's telehealth and
25 health information technology assets, map available

1 telecommunications infrastructure and examine the financial
2 impact of failing to develop the state's telehealth and
3 health information technology capacities;

4 (4) coordinate public and private sector
5 initiatives to enhance networking, portal development and
6 connectivity and to expand telehealth and health information
7 technology and telecommunications capacity;

8 (5) establish subcommittees as the
9 commission deems necessary to fulfill its purpose, powers and
10 duties or to address specific telehealth and health
11 information technology issues;

12 (6) identify specific actions to increase
13 collaborative efforts and public-private partnerships to
14 increase the use of telehealth and health information
15 technology for health care access development, patient
16 outcome improvement, patient and workforce education and
17 health care practitioner recruitment and development;

18 (7) develop and disseminate specific
19 telehealth and health information technology guidelines to
20 ensure quality of care, positive health outcomes, appropriate
21 use of technology and protection of privacy and
22 confidentiality;

23 (8) review and comment on initiatives,
24 projects or grant applications to ensure telehealth and
25 health information technology guidelines are met and maximum

1 collaboration and cooperation across the state is encouraged;

2 (9) meet at least once each quarter at the
3 call of the chair or vice chair, who shall be designated by
4 the governor from among the membership; and

5 (10) report annually to the governor and the
6 legislature on the state of the telehealth and health
7 information technology system and the adequacy and allocation
8 of telehealth and health information technology services
9 throughout the state, providing the governor and the
10 legislature with specific recommendations for improving
11 telehealth and health information technology and related
12 service systems.

13 D. A majority of the members of the commission
14 constitutes a quorum for the transaction of business."

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