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FISCAL IMPACT REPORT

ORIGINAL DATE 1/30/07

SPONSOR Leavell LAST UPDATED _____ HB _____

SHORT TITLE ACCESS TO WORKER STATUS INFORMATION SB 231

ANALYST Lucero

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Workers' Compensation Administration (WCA)
New Mexico Department of Corrections (NMCD)

SUMMARY

Synopsis of Bill

Senate Bill 231 proposes to amend the Workers' Compensation Act to allow with written permission from an injured worker, a party to a claim, including a medical case manager, to directly contact a health care provider (HCP) for the purpose of understanding the worker's disability status, work restrictions or treatment plan and allows for the retraction of the permission at any time.

FISCAL IMPLICATIONS

There is no significant impact to the Workers' Compensation Administration.

SIGNIFICANT ISSUES

The Workers' Compensation Administration (WCA) states that this amendment impacts doctor/patient confidentiality. The bill also overturns the Court of Appeals ruling in Church's Fried Chicken No. 1040, et al., v. Hanson, No. 114 N.M. 730, 845 P.2d 824 (1992), which prohibits *ex parte* contact with the HCP.

The current state statute provides for release of information upon written request to the HCP, but limits the ability to request information to a specified group. There is an exception and the exception is when the records relate to an injury or disability claimed by a worker for which that worker is receiving benefits from his employer; such is the case in a workers' compensation claim. The exception states that the request shall be accompanied by a signed authorization for that request by the worker.

The amendment seems to be opening the specified group to include "a party to a claim" and specifically mentions "a medical case manager".

PERFORMANCE IMPLICATIONS

None identified for the Workers' Compensation Administration.

ADMINISTRATIVE IMPLICATIONS

The Workers' Compensation Administration (WCA) states that agency could easily implement and monitor enforcement of statute. WCA does not specifically mention any additional administrative cost.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None identified.

TECHNICAL ISSUES

An online encyclopedia describes Medical Case Management as :

http://en.wikipedia.org/wiki/Medical_case_management

Medical case management is a collaborative process that facilitates recommended treatment plans to assure the appropriate medical care is provided to disabled, ill or injured individuals.

It refers to the planning and coordination of health care services appropriate to achieve the goal of medical rehabilitation. Medical case management may include, but is not limited to, care assessment, including personal interview with the injured employee, and assistance in developing, implementing and coordinating a medical care plan with health care providers, as well as the employee and his/her family and evaluation of treatment results.

In medical case management, a medical case manager (MCM) assesses the individual's case for its appropriateness and cost-effectiveness, based on accepted medical standards of care. MCMs help the individual make informed choices about medical care by communicating the prescribed medical and rehabilitation treatment plan so that the person can return to work in a timely and safe manner while knowing any limitations.

An MCM is normally hired by an employer or insurance carrier to follow or manage the injured worker medically. Most medical case managers are registered nurses (RNs)

Medical case management requires the evaluation of a medical condition, developing and implementing a plan of care, coordinating medical resources, communicated healthcare needs to the individual, monitors an individual's progress and promotes cost-effective care.

OTHER SUBSTANTIVE ISSUES

The New Mexico Corrections Department (NMCD) states that the bill may help state agencies, other employers (and their insurers) to more timely and efficiently resolve their injured employees' workers' compensation claims. It could lead to workers being able to return to work earlier, at least in some cases.

WCA did not specify whether the Workers' Compensation Advisory Council approved this bill.

ALTERNATIVES

None identified.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

DL/mt