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FISCAL IMPACT REPORT

ORIGINAL DATE 02/07/07
 LAST UPDATED 03/08/07 **HB** _____

SPONSOR Beffort

SHORT TITLE Health Information Technology **SB** 538/aSPAC/aHCPAC

ANALYST Geisler

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI.		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates: HB 428
 Relates to: HB 427/SB 456

SOURCES OF INFORMATION

LFC Files

Responses Received From
 Department of Health (DOH)
 Chief Information Officer (CIO)

SUMMARY

Synopsis of HCPAC Amendments

The House Consumer and Public Affairs Committee amendment to Senate Bill 538, as amended, strikes “when distance separates the patient and the health care provider” from the definition of telehealth.

Synopsis of SPAC Amendments

The Senate Public Affairs Committee (SPAC) amendments to SB 538 address CIO concerns by striking “standards” from lines 1 and 7 from page 6. As the bill now reads the New Mexico Telehealth and Health Information Technology Commission shall provide telehealth and health information technology guidance. Information technology related standards would continue to be established by the state chief information officer.

Synopsis of Original Bill

Senate Bill 538 would amend the New Mexico Telehealth Act to change the name to the “New Mexico Telehealth and Health Information Technology Commission Act” and also change the

name of the telehealth commission to the telehealth and health information technology commission. SB 538 would also add a new category of health information technology industry from which the commission membership is to be chosen and expand the focus of the Telehealth Commission to include health information technology. The bill defines health information technology as products, devices or systems that allow for the secure collection, storage, exchange or management of patient information.

FISCAL IMPLICATIONS

None noted.

SIGNIFICANT ISSUES

The CIO provides:

The powers and duties of the New Mexico Telehealth and Health Information Technology Commission as defined in this bill may be in conflict with some powers and duties of the Information Technology Commission established by the Information Technology Management Act (ITMA) [Chapter 15, Article 1C NMSA 1978]. The ITMA defines 1) information technology as computer and voice and data communication software and hardware, including imaging systems, terminals and communications networks and facilities, staff information systems services and professional services contracts for information systems services and 2) information technology project as the purchase, replacement, development or modification of a hardware or software system.

SB 538 gives the Telehealth and Information Technology Commission statutory duties to 1) develop and distribute telehealth and health information technology standards and guidelines to ensure appropriate use of technology and protection of privacy and confidentiality and 2) review and comment on initiatives or projects to ensure telehealth and health information technology standards and guidelines are met. The reporting structure of this commission is unclear.

The existing Information Technology Commission 1) adopts and promulgates rules to delineate the state information architecture 2) ensures that multi-agency information technology projects are appropriately designed and developed and 3) establishes rules and guidelines to ensure that information technology projects satisfy criteria established by the commission.

DUPLICATION AND RELATIONSHIP

Senate Bill 538 is duplicated by HB 428. HB 427/SB 456 amend the NM telehealth act and expand the types of providers and sites for telehealth services.

AMENDMENTS

The CIO suggest amending the statute to delete all references to standards. The language would then allow the New Mexico Telehealth and Health Information Technology Commission to provide telehealth and health information technology guidance and leave standard setting to the Information Technology Commission.

GG/mt