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FISCAL IMPACT REPORT

ORIGINAL DATE 2/03/09

SPONSOR Ulibarri LAST UPDATED _____ HB _____

SHORT TITLE Mortality Review Info Confidentiality SB 197

ANALYST Hanika-Ortiz

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Health (DOH)
 Health Policy Committee (HPC)
 Attorney General's Office (AGO)

SUMMARY

Synopsis of Bill

Senate Bill 197 amends the Public Health Act to specifically provide confidentiality for all information collected and maintained by DOH in connection with its mortality review activities. The bill further provides clean up language for certain words and phrases used in the bill.

FISCAL IMPLICATIONS

NFI

SIGNIFICANT ISSUES

This is a DOH sponsored bill. DOH conducts mortality reviews at its own facilities and of community providers as a means of oversight and improvement.

The bill protects medical and clinical records DOH requests and inspects as part of the department's review of an individual's death as a means of oversight and improvement under NMSA 1978, Section 24-1-3 U. That provision authorizes the department to request and inspect the covered documents "while maintaining federal and state confidentiality requirements".

PERFORMANCE IMPLICATIONS

The AGO reports state law already provides for the confidentiality of medical and clinical records of an individual. See NMSA 1978, Sections 14-6-1 “all health information that relates to and identifies specific individuals as patients is strictly confidential”; and 24-1-20 B “all information voluntarily provided to the Department of Health in connection with medical research for the purpose of reducing morbidity or mortality is confidential”.

OTHER SUBSTANTIVE ISSUES

HPC states that the DOH mortality review is a quality improvement process that reviews deaths that occur in community based programs including the DD Waiver, Medically Fragile Waiver, Traumatic Brain Injury Program, Behavioral Health Services and Intermediate Care Facility programs.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The AGO reflects that information covered by the bill will likely remain protected under current state law protections for medical and health information.

POSSIBLE QUESTIONS

Is immunity provided to the DOH when reporting its findings? How is this information used for quality improvement?

AHO/mt