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HOUSE MEMORIAL 80

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Al Park

A MEMORIAL

HONORING THE MEMORY OF KATIE FAITH MARTINEZ AND REQUESTING THE NEW MEXICO HEALTHY POLICY COMMISSION TO CONVENE A TASK FORCE TO STUDY THE RIGHTS OF HEALTH CARE PATIENTS, THE MANNER IN WHICH PATIENTS' RIGHTS ARE CONSIDERED IN THE DELIVERY OF HEALTH CARE IN NEW MEXICO AND HOW TO BEST PROMOTE AND PROTECT THOSE RIGHTS AND RAISE PATIENTS' AWARENESS OF THEIR RIGHTS IN NEW MEXICO'S HEALTH CARE FACILITIES.

WHEREAS, Katie Faith Martinez was three years old when she died during a procedure performed by a locum tenens or "temp" doctor; and

WHEREAS, members of the Martinez family report that they would have sought additional opinions and review of Katie's medical care had they known Katie was being treated by people who were not physicians and who were not members of the staff

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1 of the hospital where she was being treated; and

2 WHEREAS, every health care patient is entitled to receive  
3 effective health care; and

4 WHEREAS, every patient, and every guardian, agent,  
5 surrogate or other person with the right to make health care  
6 decisions on a patient's behalf, is entitled to receive  
7 information about the patient's health care that will allow  
8 them to make informed choices; and

9 WHEREAS, the public is entitled to be made aware of the  
10 rights that health care patients have in New Mexico; and

11 WHEREAS, every patient has a right to be told the  
12 identity, professional status and qualifications of each person  
13 providing health care to the patient; and

14 WHEREAS, every patient has a right to considerate and  
15 respectful care at all times and under all circumstances, with  
16 recognition of that patient's personal dignity; and

17 WHEREAS, every patient has a right to complete and current  
18 information concerning diagnosis, treatment and any known  
19 prognosis in terms the patient can reasonably be expected to  
20 understand; and

21 WHEREAS, every patient has a right to receive, to the  
22 fullest extent possible under the circumstances, all  
23 information necessary to give informed consent prior to the  
24 start of any medical procedure or treatment; and

25 WHEREAS, every patient has a right to be made aware of the

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1 patient's right to refuse treatment, to the extent permitted by  
2 law, and to be informed of the medical consequences of any  
3 exercise of that right; and

4 WHEREAS, every patient has a right to be afforded every  
5 consideration of privacy concerning the patient's medical care  
6 or treatment; and

7 WHEREAS, every patient has a right to be allowed the  
8 expectation that all communications and records pertaining to  
9 the patient's care or treatment will be treated as  
10 confidential; and

11 WHEREAS, every patient has a right to expect reasonable  
12 continuity of care and to be informed by the attending  
13 physician of any continuing health care requirements following  
14 discharge; and

15 WHEREAS, every patient has a right to an itemized,  
16 detailed and understandable explanation of health care charges,  
17 regardless of the source of payment; and

18 WHEREAS, every patient has a right to request and to  
19 receive copies of the patient's medical records as permitted by  
20 law; and

21 WHEREAS, every patient has a right to an interpreter when  
22 the patient does not speak the predominant language of the  
23 community, is deaf or is hearing impaired; and

24 WHEREAS, the most effective vehicle through which to  
25 ensure that health care patients' fundamental rights are

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1 promoted and protected is to codify them into New Mexico law;

2 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
3 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the memory of  
4 Katie Faith Martinez be honored; and

5 BE IT FURTHER RESOLVED that the New Mexico health policy  
6 commission be requested to convene a task force to study the  
7 rights of health care patients and the manner in which health  
8 care facilities in the state consider patients' rights in the  
9 delivery of health care; and

10 BE IT FURTHER RESOLVED that the task force include  
11 representatives from the New Mexico trial lawyers association  
12 and foundation, the New Mexico hospital association, the  
13 department of health and others as the New Mexico health policy  
14 commission deems appropriate; and

15 BE IT FURTHER RESOLVED that the task force make  
16 legislative recommendations to ensure that New Mexico patients'  
17 health care rights are protected and that patients are made  
18 aware of their fundamental rights as patients; and

19 BE IT FURTHER RESOLVED that the New Mexico health policy  
20 commission report the findings and legislative recommendations  
21 of the task force to the legislative health and human services  
22 committee by October 2011; and

23 BE IT FURTHER RESOLVED that copies of this memorial be  
24 transmitted to the director of the New Mexico health policy  
25 commission, Deborah and Melvin Martinez, the president of the

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1 New Mexico trial lawyers association and foundation, the  
2 president of the New Mexico hospital association and the  
3 secretary of health.

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