

1 SENATE MEMORIAL 133

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

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10 A MEMORIAL

11 REQUESTING THE NEW MEXICO LEGISLATIVE COUNCIL TO CONVENE A TASK
12 FORCE TO STUDY AND REPORT ITS FINDINGS RELATIVE TO TRANSPARENCY
13 OF HOSPITAL GOVERNING BODIES IN THE DEVELOPMENT AND
14 IMPLEMENTATION OF HEALTH CARE POLICY AT NEW MEXICO HOSPITALS.

15
16 WHEREAS, hospitals that serve the general public in New
17 Mexico must be licensed in accordance with the requirements set
18 forth by the state of New Mexico, regardless of their business
19 or corporate provenance; and

20 WHEREAS, the state of New Mexico issues licenses to any
21 acute-care hospital or limited services hospital that meets the
22 requirements of rules issued by the department of health and
23 that continuously maintains and operates an emergency
24 department that provides emergency medical services and other
25 medical services that are needed by the community in which such

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1 hospitals are located; and

2 WHEREAS, many, if not all, hospitals licensed by the
3 department of health participate in medicare, medicaid and the
4 safety net care pool program and receive financial support of
5 various kinds from government entities; and

6 WHEREAS, hospitals licensed by the department of health
7 are required to have an effective governing body that is
8 legally responsible for the management and provision of all
9 hospital services, maintenance of the hospital services and the
10 quality thereof; and

11 WHEREAS, the governing body of every hospital in New
12 Mexico licensed by the department of health is required to
13 adopt bylaws that are in writing and are available to all
14 members of the governing body as well as the public; and

15 WHEREAS, the bylaws of the governing body of every
16 hospital in New Mexico licensed by the department of health
17 must stipulate the basis upon which members are selected and
18 the members' terms of office and their duties and requirements;
19 specify to whom responsibilities for operation and maintenance
20 of the hospital, including evaluation of hospital practices,
21 may be delegated and the methods established by the governing
22 body for holding these individuals responsible; provide for the
23 designation of officers, if any, and the officers' terms of
24 office and their duties and for the organization of the
25 governing body; specify the frequency with which meetings shall

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1 be held; and allow for the organization of committees, either
2 standing or ad hoc, to assist the board in carrying out their
3 responsibilities; and

4 WHEREAS, it has been determined by the legislative and
5 executive branches of the state of New Mexico that hospitals
6 are to be transparent in the deliverance of health care; and

7 WHEREAS, the United States department of health and human
8 services has implemented policies in accordance with the
9 Patient Protection and Affordable Care Act of 2010 with the
10 intent of putting consumers back in charge of their health
11 care; and

12 WHEREAS, hospital associations and hospital administrators
13 routinely claim that there is uncertainty relative to the
14 impact of the Patient Protection and Affordable Care Act on the
15 operations and financial stability of their hospitals; and

16 WHEREAS, many hospitals in New Mexico and across the
17 United States use management consulting companies to advise
18 and, in some instances, operate and provide for the maintenance
19 of the hospital, including evaluation of hospital practices;
20 and

21 WHEREAS, governing boards of hospitals make decisions that
22 directly or indirectly impact public policymaking relating to
23 health care provided by hospitals to the public they serve; and

24 WHEREAS, such public policymaking relating to health care
25 provided by hospitals is often done behind the closed doors of

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1 hospital governing bodies, without the knowledge of the public
2 and without the advice or participation of county and municipal
3 officials charged with providing the public with proper and
4 effective health care at hospitals;

5 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
6 OF NEW MEXICO that the New Mexico legislative council be
7 requested to convene a task force to be known as the "hospital
8 transparency study group" to study the bylaws, decision-making
9 and operating procedures of hospitals licensed by the
10 department of health relative to all matters that either
11 directly or indirectly impact existing health care policy and
12 services and the development of new or changed health care
13 policy at hospitals; and

14 BE IT FURTHER RESOLVED that the task force be requested to
15 study the effect that passage of a law, similar to the
16 provisions proposed in Senate Bill 719 of the fifty-second
17 legislature, first session, that would provide the public, and
18 elected state, county and municipal officials, the opportunity
19 to observe and participate in the development of policy
20 impacting patient care at hospitals in New Mexico; and

21 BE IT FURTHER RESOLVED that the task force be composed of
22 representatives of the following organizations: the New Mexico
23 hospital association, district 1199 of the national union of
24 hospital and health care employees, the New Mexico chapter of
25 the American nurses association, the state bar of New Mexico,

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1 the committee of interns and residents/service employees
2 international union healthcare, the secretary of health, the
3 attorney general of New Mexico, the New Mexico association of
4 counties and the New Mexico municipal league; and

5 BE IT FURTHER RESOLVED that the task force be requested to
6 contact organizations that promote openness in policymaking and
7 governance, as well as organizations that advocate for the
8 protection of patient privacy, to provide input in the
9 development of the task force's study and the development of a
10 report to be made to the interim legislative health and human
11 services committee; and

12 BE IT FURTHER RESOLVED that the task force be requested to
13 report on the results of its studies to the legislative health
14 and human services committee and any other appropriate interim
15 legislative committee no later than November 2015; and

16 BE IT FURTHER RESOLVED that a copy of the task force's
17 report be made public; and

18 BE IT FURTHER RESOLVED that copies of this memorial be
19 transmitted to the co-chairs of the New Mexico legislative
20 council and to the organizations mentioned in this memorial.