

1 SENATE MEMORIAL 104

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Elizabeth "Liz" Stefanics

5
6
7
8
9
10 A MEMORIAL

11 REQUESTING THE DIRECTOR OF THE UNIVERSITY OF NEW MEXICO HEALTH
12 SCIENCES CENTER INSTITUTE FOR ETHICS TO CONVENE A PATIENT
13 RIGHTS WORK GROUP TO STUDY THE RIGHTS OF HEALTH CARE PATIENTS,
14 THE MANNER IN WHICH PATIENTS' RIGHTS ARE CONSIDERED IN THE
15 DELIVERY OF HEALTH CARE IN NEW MEXICO AND HOW TO BEST PROMOTE
16 AND PROTECT THOSE RIGHTS AND RAISE PATIENTS' AWARENESS OF THEIR
17 RIGHTS.

18
19 WHEREAS, every health care patient is entitled to receive
20 effective health care; and

21 WHEREAS, every patient, and every guardian, agent,
22 surrogate or other person with the right to make health care
23 decisions on a patient's behalf, is entitled to receive
24 information about the patient's health care that will allow
25 them to make informed choices; and

.207481.1

underscoring material = new
~~[bracketed material] = delete~~

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

3 WHEREAS, every patient has a right to be told the
4 identity, professional status and qualifications of each person
5 providing health care to the patient; and

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

9 WHEREAS, every patient has a right to complete and current
10 information concerning diagnosis, treatment and any known
11 prognosis in terms the patient can reasonably be expected to
12 understand; and

13 WHEREAS, every patient has a right to receive, to the
14 fullest extent possible under the circumstances, all
15 information necessary to give informed consent prior to the
16 start of any medical procedure or treatment; and

17 WHEREAS, every patient has a right to be made aware of the
18 patient's right to refuse treatment, to the extent permitted by
19 law, and to be informed of the medical consequences of any
20 exercise of that right; and

21 WHEREAS, every patient has a right to be afforded every
22 consideration of privacy concerning the patient's medical care
23 or treatment; and

24 WHEREAS, every patient has a right to be allowed the
25 expectation that all communications and records pertaining to

.207481.1

underscoring material = new
~~[bracketed material]~~ = delete

1 the patient's care or treatment will be treated as
2 confidential; and

3 WHEREAS, every patient has a right to expect reasonable
4 continuity of care and to be informed by the attending
5 physician of any continuing health care requirements following
6 discharge; and

7 WHEREAS, every patient has a right to an itemized,
8 detailed and understandable explanation of health care charges,
9 regardless of the source of payment; and

10 WHEREAS, every patient has a right to request and to
11 receive copies of the patient's medical records as permitted by
12 law; and

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

16 WHEREAS, the most effective vehicle through which to
17 ensure that health care patients' fundamental rights are
18 promoted and protected is to codify them into New Mexico law;

19 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
20 OF NEW MEXICO that the director of the university of New Mexico
21 health sciences center institute for ethics be requested to
22 convene a patient rights work group to study the rights of
23 health care patients and the manner in which health care
24 facilities and practitioners in the state consider patients'
25 rights in the delivery of health care; and

.207481.1

underscoring material = new
~~[bracketed material] = delete~~

1 BE IT FURTHER RESOLVED that the work group include
2 representatives from all ethics commissions or task forces in
3 health facilities statewide; the New Mexico medical society;
4 the New Mexico osteopathic medical association; the New Mexico
5 academy of physician assistants; the New Mexico health care
6 association; the New Mexico trial lawyers association and
7 foundation; the New Mexico hospital association; the department
8 of health; health action New Mexico; the New Mexico center on
9 law and poverty; disability rights New Mexico; the New Mexico
10 nurses association; the university of New Mexico center for
11 development and disability; the university of New Mexico
12 schools of medicine, nursing and social work; the New Mexico
13 state university schools of nursing and social work; the
14 eastern New Mexico university nursing program and social work
15 program; New Mexico highlands university's Facundo Valdez
16 school of social work; the western New Mexico university school
17 of nursing; the San Juan college nursing program; and others
18 who express an interest in joining the work group; and

19 BE IT FURTHER RESOLVED that the work group be requested to
20 make legislative recommendations to ensure that New Mexico
21 patients' health care rights are protected and that patients
22 are made aware of their fundamental rights as patients; and

23 BE IT FURTHER RESOLVED that the director of the university
24 of New Mexico health sciences center institute for ethics be
25 requested to report the findings and legislative

.207481.1

underscoring material = new
~~[bracketed material] = delete~~

1 recommendations of the work group to the legislative health and
2 human services committee by July 1, 2018; and

3 BE IT FURTHER RESOLVED that copies of this memorial be
4 electronically transmitted to the named participants of the
5 patient rights work group.