

LFC Requestor: KLUNDT, Kelly

2025 LEGISLATIVE SESSION  
AGENCY BILL ANALYSIS

Section I: General

Chamber: House

Category: Bill

Number: 389

Type: Introduced

Date (of THIS analysis): 02/13/2025

Sponsor(s): Elizabeth "Liz" Thompson and Debra Sarinana

Short Title: State Health Data Utility

Reviewing Agency: Agency 665 - Department of Health

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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 25	FY 26		
\$ 0	\$ 0	N/A	N/A

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$ 0	\$ 0	\$ 0	N/A	N/A

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 25	FY 26	FY 27	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
Total	\$ 0	\$ 0	\$ 0	\$ 0	N/A	N/A

### Section III: Relationship to other legislation

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: None

Duplicates/Relates to an Appropriation in the General Appropriation Act: None

### Section IV: Narrative

#### 1. BILL SUMMARY

a) Synopsis

House Bill 389 (HB389) would modify the electronic medical records act to require that the entity designated as the state's health information exchange shall also function as the State's Health Data Utility. HB389 would add the definition of "health data utility" to be defined as an entity that combines and shares disparate electronic health care information for purposes that include treatment, care coordination, quality improvement, population health, managing public health emergencies or other public and community health services.

Is this an amendment or substitution?  Yes  No

Is there an emergency clause?  Yes  No

b) Significant Issues

HB389 seeks to ensure that the state has an electronic health records system that is accessible to all state agencies providing healthcare to residents. This type of system assist in tracking health data throughout the state to gain a clearer understanding of disease progression, which can assist in disease intervention strategies for health promotion teams. While these electronic records systems ensure the ability of providers to access a person's full history and data, the cost of implementation and maintenance of these systems can be a limiting factor.

Currently New Mexico has multiple systems that are utilized for electronic health records and immunization records. To meet the requirements under HB389, one system would have to be designated as the state system and all records imported into that system, or funding would be required for a new system, as well as consultation with experts to assist in the importation of records. The cost is difficult to determine, as it depends on the number of records being imported, the level of programming needed to transfer the records, training in new systems and the number of monthly users.

## 2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?

Yes  No

This could impact the system used for electronic medical records and immunization records.

- Is this proposal related to the NMDOH Strategic Plan?  Yes  No

**Goal 1:** We expand equitable access to services for all New Mexicans

**Goal 2:** We ensure safety in New Mexico healthcare environments

**Goal 3:** We improve health status for all New Mexicans

**Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

## 3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?

Yes  No  N/A

- If there is an appropriation, is it included in the LFC Budget Request?

Yes  No  N/A

- Does this bill have a fiscal impact on NMDOH?  Yes  No

A new system or integration of current systems would have a financial impact, as cost would be incurred for developers to migrate records and potential costs of a new system, as well as configuration and training for those systems.

## 4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH?  Yes  No

## 5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

None

## 6. TECHNICAL ISSUES

Are there technical issues with the bill?  Yes  No

## 7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written?  Yes  No

- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)?  Yes  No

- Does this bill conflict with federal grant requirements or associated regulations?

Yes  No

- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs?  Yes  No.

**8. DISPARITIES ISSUES**

None

**9. HEALTH IMPACT(S)**

None

**10. ALTERNATIVES**

None

**11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?**

If HB 389 is not enacted the state systems will continue to use various electronic health records systems.

**12. AMENDMENTS**

None