

LFC Requestor: Self Assigned

2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS

Section I: General

Chamber: Senate

Category: Bill

Number: 57

Type: Introduced

Date (of THIS analysis): 2/13/2025

Sponsor(s): Peter Wirth and Reena Szczepanski

Short Title: Medical Provider Patient IPRA Info

Reviewing Agency: Agency 665 - Department of Health

Analysis Contact Person: Arya Lamb

Phone Number: 505-470-4141

e-Mail: Arya.Lamb@doh.nm.gov

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: HB139

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

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

Senate Bill 57 (SB57) would amend the Inspection of Public Records Act (IPRA) to add a new exception for any record containing personal identifying information or sensitive information related to the practice of a medical provider employed by a public body who performs medical services related to abortion.

Is this an amendment or substitution? Yes No

Is there an emergency clause? Yes No

b) Significant Issues

The New Mexico Department of Health (NMDOH) does not currently employ any physicians, advanced practice clinicians, or other medical providers to deliver medical services related to abortion. The University of New Mexico Health Sciences Center (UNM HSC) is also a public body subject to IPRA and does currently have clinicians who engage in this role. Therefore, this change would be most applicable to that entity.

Medical records that are responsive to IPRA requests currently can be redacted to remove personally identifiable information about patients, in compliance with several federal and state laws and regulations such as the Health Insurance Portability and Accountability Act (HIPAA), which offers privacy protections. Therefore, this change would not impact the patients receiving services. However, even with redactions, the providers delivering such services would still have their service information potentially released under a specific IPRA request. SB57 would provide protections for the service information of providers that are employed by public bodies.

Given new restrictions on medication and procedural abortion both at the federal level and in many states neighboring New Mexico, utilization of abortion services has greatly increased in the state. The Dobbs decision in June 2022, which reversed Roe v. Wade, had

a tremendous impact on the state. While there was a total of 4,296 abortions statewide in 2020, this number almost tripled to 12,038 in 2023.

It can be challenging to recruit and retain an adequate number of health care professionals to work in the field of reproductive health given the increasing demand and political spotlight on this type of medical care. This new exception to the IPRA act may help recruit and retain qualified and talented health care professionals to work in New Mexico in reproductive health care and thereby increase the availability of treatment options for persons in need of such services.

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?
 Yes No
- 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

4. ADMINISTRATIVE IMPLICATIONS

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

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

SB57 relates to HB139, which also amends sections of the Inspecting of Public Records Act, though they would not amend the same parts of the law and do not conflict.

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

People of all genders have sexual and reproductive health needs, including women, transgender people, nonbinary people, and those who are otherwise gender diverse. Adolescents, people of color, those living in rural areas, those with low incomes, and incarcerated people can face disproportionate effects of restrictions on abortion access. Where abortion is illegal or highly restricted, pregnant people may resort to unsafe means to end an unwanted pregnancy, including self-inflicted abdominal and bodily trauma, ingestion of dangerous chemicals, and reliance on unqualified or predatory abortion providers.

9. HEALTH IMPACT(S)

Where abortion is illegal or highly restricted, pregnant people may resort to unsafe means to end an unwanted pregnancy, including self-inflicted abdominal and bodily trauma, ingestion of dangerous chemicals, and reliance on unqualified or predatory abortion providers. Gaps in retention or recruitment of medical providers can lead to regions of the state that have more limited access to safe, legal and best practice reproductive care. Providing the protections proposed in SB57 to health care providers could have a positive health impact in that it could expand access to safe reproductive health services.

10. ALTERNATIVES

None.

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

If SB57 is not enacted, there would not be changes to the Inspection of Public Records Act (IPRA) to add a new exception for any record containing personal identifying information or sensitive information related to the practice of a medical provider employed by a public body who performs medical services related to abortion.

12. AMENDMENTS

None.