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**HOUSE BILL 497**

**44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999**

**INTRODUCED BY**

**Gail C. Beam**

**AN ACT**

**RELATING TO MEDICAL RECORDS; PROVIDING A PROCEDURE FOR  
APPLICANTS FOR DISABILITY BENEFITS TO OBTAIN COPIES OF RECORDS  
WITHIN THIRTY DAYS AFTER A REQUEST; PROVIDING THAT NO FEES  
SHALL BE CHARGED FOR PROVIDING THE COPIES OF MEDICAL RECORDS;  
PROVIDING CIVIL PENALTIES FOR VIOLATIONS.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. ACCESS TO MEDICAL RECORDS BY APPLICANTS FOR  
DISABILITY BENEFITS-- VIOLATIONS. --**

**A. Within thirty days of receiving a request from  
a patient or former patient who is applying for benefits based  
on a disability or who is appealing a denial of such benefits  
or from an authorized representative of such a patient or  
former patient, a health care provider shall furnish the  
requestor with a copy of that patient's medical records. No**

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1 fee shall be charged by the health care provider to the  
2 requestor for the copies or for the service in obtaining the  
3 records.

4 B. A request made pursuant to Subsection A of this  
5 section shall include a statement or document from the agency  
6 that administers the benefits that confirms the application or  
7 appeal.

8 C. As used in this section:

9 (1) "health care provider" means a person who  
10 is licensed, certified or otherwise authorized by law to  
11 provide or render health care in the ordinary course of  
12 business or practice of a profession and includes a facility  
13 employing, or contracting with, such a person; and

14 (2) "medical records" means information in a  
15 medical or mental health patient file, including drug or  
16 alcohol treatment records, medical reports, clinical notes,  
17 nurses' notes, history of injury, subjective and objective  
18 complaints, test contents and results, interpretations of  
19 tests, reports and summaries of interpretations of tests and  
20 other reports, diagnoses and prognoses, bills, invoices,  
21 referral requests, consultative reports and reports of  
22 services requested by the health care provider.

23 D. Nothing in this section shall be interpreted to  
24 grant access for a patient or patient's representative to  
25 medical records that are otherwise protected by law.



1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
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6 March 8, 1999  
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8 Mr. Speaker:  
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10 Your JUDICIARY COMMITTEE, to whom has been referred  
11

12 HOUSE BILL 497  
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14 has had it under consideration and reports same with  
15 recommendation that it DO PASS, amended as follows:

16 1. On page 1, line 22 strike the first occurrence of "a"  
17 and insert in lieu thereof "social security".  
18

19 2. On page 1, line 25, strike "No" and insert in lieu  
20 thereof "A".  
21

22 3. On page 2, line 1, strike "shall" and insert in lieu  
23 thereof "as established by the department of health, may".  
24

25 4. On page 3, line 6, after the period insert "  
including a fee schedule by obtaining records as provided in

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Subsection A of this section for a patient who has a financial  
ability to pay”.

Respectfully submitted,

\_\_\_\_\_  
R. David Pederson, Chairman

Adopted \_\_\_\_\_

Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

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4 The roll call vote was 8 For 0 Against

5 Yes: 8

6 Excused: Luna, Taylor, T., Thompson, Sanchez

7 Absent: None

11 J:\99BillsWP\H0497

underscored material = new  
[bracketed material] = delete