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HOUSE JOINT MEMORIAL 20
44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY
Terry T. Marquardt

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

A JOINT MEMORIAL
REQUESTING THE NEW MEXICO HEALTH POLICY COMMISSION TO REVIEW
AND MAKE RECOMMENDATIONS REGARDING HEALTH DATA PRIVACY AND
CONFIDENTIALITY AND HEALTH DATA SECURITY STANDARDS.

WHEREAS, individuals expect confidential, respectful
treatment of personal information about their health; and

WHEREAS, many participants in the health care system and
government have legitimate needs to access health care
information in performing their roles and access to such
information has potential benefits to the health of New Mexico
and an effective, efficient health care system; and

WHEREAS, health data is increasingly collected, shared,
analyzed, accessed and stored by a variety of entities; and

WHEREAS, health data increasingly is electronically
transmitted, including via the internet, which enhances the

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1 efficiency of the health care system, yet raises concerns
2 regarding unauthorized access to such data; and

3 WHEREAS, the state is best positioned to ensure an
4 appropriate balance between the privacy of individuals and the
5 legitimate needs of access to personal health data; and

6 WHEREAS, New Mexico has multiple fragmented statutes
7 pertaining to health data confidentiality and privacy and few
8 provisions for required electronic transmission security; and

9 WHEREAS, the federal Health Insurance Portability and
10 Accountability Act of 1996, Public Law 104-191, requires the
11 federal secretary of health and human services to adopt
12 security transmission standards for a subset of health data
13 exchanges; and

14 WHEREAS, the secretary of health and human services, in
15 accordance with Public Law 104-191, has made recommendations
16 to congress regarding confidentiality and privacy of health
17 data and congress is expected to establish a minimum level of
18 protection, allowing states to impose requirements, standards
19 or implementation specifications that are more stringent;

20 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
21 STATE OF NEW MEXICO that the New Mexico health policy
22 commission, working with members of the health information
23 alliance, study and make recommendations concerning the
24 appropriate protection, access, use, disclosure and electronic
25 transmission security standards of personal health data; and

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1 BE IT FURTHER RESOLVED that the commission review
2 federal law and New Mexico law on health data confidentiality
3 and privacy, electronic transmission of health data and
4 security standards, and the health care industry and security
5 technical standards; and

6 BE IT FURTHER RESOLVED that the views of the New Mexico
7 public and the balance between privacy and benefits to the
8 state and the health of New Mexico from access to personal
9 health data be considered; and

10 BE IT FURTHER RESOLVED that careful consideration be
11 given to the privacy rights of individuals, including the use
12 and disclosure of personal identifiable health information and
13 the need for authorization; and

14 BE IT FURTHER RESOLVED that the technical capabilities of
15 the health care industry and costs of security measures,
16 especially in regards to implementation by small and rural
17 health care providers be considered; and

18 BE IT FURTHER RESOLVED that the New Mexico health policy
19 commission and health information alliance seek participation
20 by all state government agencies responsible for health,
21 health care services and insurance; the state chief
22 information officer; the private health care sector;
23 consumers; and individuals with security, technical and
24 pertinent legal expertise; and

25 BE IT FURTHER RESOLVED that the New Mexico health policy

1 commission present a preliminary report by October 15, 1999
2 and final assessment and recommendation by October 1, 2000 to
3 the appropriate legislative committee; and

4 BE IT FURTHER RESOLVED that a copy of this memorial be
5 sent to the chairman of the New Mexico health policy
6 commission for distribution to appropriate state departments
7 and agencies and other persons.

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1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 February 18, 1999
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8 Mr. Speaker:
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10 Your BUSINESS AND INDUSTRY COMMITTEE, to whom has
11 been referred
12

13 HOUSE JOINT MEMORIAL 20
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15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to the
17 JUDICIARY COMMITTEE.

18 Respectfully submitted,
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23 Debbie A. Rodella, Chairwoman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

3 HBC/HIM 20

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4 Adopted _____ Not Adopted _____

6 (Chief Clerk)

(Chief Clerk)

8 Date _____

10 The roll call vote was 11 For 0 Against

11 Yes: 11

12 Excused: Sanchez

13 Absent: None

15 J: \99BillSWP\HJ020

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1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999

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4 March 9, 1999

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7 Mr. Speaker:

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9 Your JUDICIARY COMMITTEE, to whom has been referred

10 HOUSE JOINT MEMORIAL 20

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12 has had it under consideration and reports same with
13 recommendation that it DO PASS.

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15 Respectfully submitted,

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20 R. David Pederson, Chairman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HJC/HB 20

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

Excused: Godbey, Luna, Martinez, Rios, Taylor, T., Vaughn

Absent: None

J: \99BillSWP\HJ020

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