

underscored material = new
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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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4
5 February 2, 1999

6
7 Mr. President:

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9 Your RULES COMMITTEE, to whom has been referred

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11 SENATE JOINT MEMORIAL 21

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13 has had it under consideration and reports same with
14 recommendation that it DO PASS, and thence referred to the
15 PUBLIC AFFAIRS COMMITTEE.
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18 Respectfully submitted,

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1 Adopted _____ Not

2 Adopted _____

3 (Chief Clerk)

(Chief Clerk)

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6 Date _____

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9 The roll call vote was 6 For 0 Against

10 Yes: 6

11 No: 0

12 Excused: Altamirano, Gorham

13 Absent: None

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16 SJ021RU1

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FORTY-FOURTH LEGISLATURE

FIRST SESSION, 1999

March 7, 1999

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

SENATE JOINT MEMORIAL 21

has had it under consideration and reports same with recommendation that it DO PASS, amended as follows:

1. On page 1, line 17, following the word "system" insert ", the public".
2. On page 2, line 3, strike "the state is best positioned to ensure".
3. On page 2, line 5, after "data" insert "is important".
4. On page 2, line 23, after "alliance" insert "and interested members of the public".

FORTY- FOURTH LEGISLATURE
FIRST SESSION, 1999

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5. On page 3, line 22, after "sector;" insert "the public
and".,
and thence referred to the JUDICIARY COMMITTEE.

Respectfully submitted,

Shannon Robinson, Chairman

Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Boitano, Howes, Ingle,

underscored material = new
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FORTY- FOURTH LEGISLATURE
FIRST SESSION, 1999

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Page 9

Absent: None

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