



The Legislature
of the
State of New Mexico

50th Legislature, 1st Session

LAWS 2011

CHAPTER 121

SENATE BILL 101, as amended

Introduced by
SENATOR SANDER RUE



Chapter 121

AN ACT

RELATING TO CONFIDENTIALITY OF RECORDS; REQUIRING HEALTH CARE
REVIEW ORGANIZATIONS TO RESPOND TO NEW MEXICO MEDICAL BOARD
SUBPOENAS.

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

SECTION 1. Section 41-9-5 NMSA 1978 (being Laws 1979,
Chapter 169, Section 5) is amended to read:

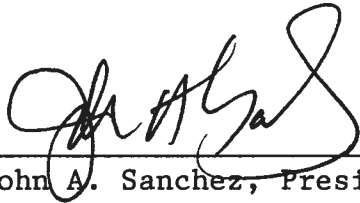
"41-9-5. CONFIDENTIALITY OF RECORDS OF REVIEW
ORGANIZATION.--

A. Except as provided in Subsection B of this
section, all data and information acquired by a review
organization in the exercise of its duties and functions
shall be held in confidence and shall not be disclosed to
anyone except to the extent necessary to carry out one or
more of the purposes of the review organization or in a
judicial appeal from the action of the review organization.
No person described in Section 41-9-4 NMSA 1978 shall
disclose what transpired at a meeting of a review
organization except to the extent necessary to carry out one
or more of the purposes of the review organization, in a
judicial appeal from the action of the review organization or
when subpoenaed by the New Mexico medical board.
Information, documents or records otherwise available from
original sources shall not be immune from discovery or use in

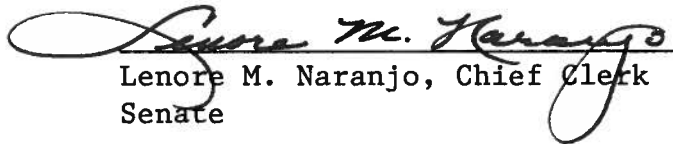
1 any civil action merely because they were presented during
2 proceedings of a review organization, nor shall any person
3 who testified before a review organization or who is a member
4 of a review organization be prevented from testifying as to
5 matters within the person's knowledge, but a witness cannot
6 be asked about opinions formed by the witness as a result of
7 the review organization's hearings.

8 B. Information, documents or records that were not
9 generated exclusively for, but were presented during,
10 proceedings of a review organization shall be produced to the
11 New Mexico medical board by the review organization or any
12 other person possessing the information, documents or records
13 in response to an investigative subpoena issued pursuant to
14 Section 61-6-23 NMSA 1978 and shall be held in confidence by
15 the New Mexico medical board pursuant to 61-6-34 NMSA 1978.
16 Nothing in this section shall be construed to permit the
17 New Mexico medical board to issue subpoenas requesting that
18 any person appear to testify regarding what transpired at a
19 meeting of a review organization or opinions formed as a
20 result of review organization proceedings." _____

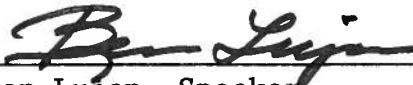
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John A. Sanchez, President
Senate



Lenore M. Naranjo, Chief Clerk
Senate



Ben Lujan, Speaker
House of Representatives



Stephen R. Arias, Chief Clerk
House of Representatives

Approved by me this 7th day of April, 2011



Governor Susana Martinez
State of New Mexico

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STATE OF NEW MEXICO