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HOUSE BILL 493

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Al Park

AN ACT

RELATING TO HEALTH CARE; ENACTING THE KATIE FAITH MARTINEZ PATIENTS' BILL OF RIGHTS ACT; ESTABLISHING A LIST OF THE RIGHTS GUARANTEED TO ALL HEALTH CARE PATIENTS IN NEW MEXICO; PROVIDING PROCEDURES FOR PATIENTS WHOSE RIGHTS HAVE BEEN VIOLATED TO FILE COMPLAINTS WITH THE NEW MEXICO MEDICAL BOARD; REQUIRING HEALTH CARE FACILITIES TO PROVIDE ALL PATIENTS WITH A WRITTEN COPY OF THEIR RIGHTS UNDER THIS ACT.

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

SECTION 1. SHORT TITLE.--This act may be cited as the "Katie Faith Martinez Patients' Bill of Rights Act".

SECTION 2. PURPOSES OF ACT.--The purposes of the Katie Faith Martinez Patients' Bill of Rights Act are to:

A. create a uniform bill of rights guaranteed to all patients receiving professional health care in New Mexico;

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1 B. foster more effective and informed patient care;
2 and

3 C. ensure that the public is made aware of the
4 fundamental rights of patients in New Mexico.

5 **SECTION 3. DEFINITIONS.--**As used in the Katie Faith
6 Martinez Patients' Bill of Rights Act:

7 A. "emergency" means a situation in which there is
8 an imminent threat of a disaster causing immediate peril to
9 life that timely action can avert or minimize;

10 B. "health care" means any care, treatment, service
11 or procedure to maintain, diagnose or otherwise affect an
12 individual's physical or mental condition;

13 C. "health care facility" means a facility,
14 institution or agency at which health care is provided in the
15 ordinary course of business;

16 D. "locum tenens" means an individual that
17 substitutes for another member of the individual's profession;
18 and

19 E. "patient" means an individual seeking or
20 receiving health care.

21 **SECTION 4. PATIENTS' BILL OF RIGHTS.--**A patient has a
22 right to:

23 A. receive considerate and respectful care at all
24 times and under all circumstances, with recognition of the
25 patient's personal dignity;

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1 B. know by name the attending physician primarily
2 responsible for the patient's care and any person responsible
3 for undertaking any medical procedure or providing any medical
4 treatment for the patient;

5 C. obtain complete and current information
6 concerning diagnosis, treatment and any known prognosis in
7 terms that the patient can reasonably be expected to
8 understand;

9 D. receive, except in emergency situations, from
10 the patient's physician information necessary to give informed
11 consent prior to the start of any medical procedure or
12 treatment;

13 E. refuse treatment to the extent permitted by law
14 and to be informed of the medical consequences of any exercise
15 of that right;

16 F. receive every consideration of privacy
17 concerning the patient's own medical care and treatment;

18 G. expect that all communications and records
19 pertaining to the patient's care will be treated as
20 confidential;

21 H. know the identity and professional status of
22 individuals providing health care to the patient, including the
23 professional title and role of each health care provider and
24 whether that individual is providing health care as a locum
25 tenens or on a temporary basis through a staffing agency;

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1 I. receive a reasonable continuity of care and to
2 be informed by the attending physician of any continuing health
3 care requirements following discharge;

4 J. receive an itemized, detailed and understandable
5 explanation of health care charges regardless of the source of
6 payment; and

7 K. have an interpreter if the patient does not
8 speak the predominant languages of the community or is deaf or
9 hearing impaired and has a right to understand the health care
10 and treatment being provided to the patient regardless of any
11 communication barrier.

12 SECTION 5. BILL OF PATIENTS' RIGHTS NON-EXHAUSTIVE.--The
13 Katie Faith Martinez Patients' Bill of Rights Act is not
14 intended to be all-inclusive and shall not be interpreted to
15 modify, abrogate or infringe upon any right or privilege that
16 is not expressly included in that act.

17 SECTION 6. FAILURE TO COMPLY--DISCIPLINARY ACTION.--A
18 health care provider's failure to comply with a provision of
19 the Katie Faith Martinez Patients' Bill of Rights Act may
20 constitute a basis for disciplinary action pursuant to the
21 Medical Practice Act. A patient may file a complaint based on
22 any failure to comply with the New Mexico medical board.

23 SECTION 7. REQUIRED PUBLICATION OF PATIENTS' BILL OF
24 RIGHTS.--Except in emergency situations, a health care facility
25 shall distribute a summary of the obligations set forth in the

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1 Katie Faith Martinez Patients' Bill of Right Act to all
2 patients who seek medical treatment at the facility; the
3 summary shall be written in clear language and in easily
4 readable print. The summary must indicate that the patient has
5 the right to directly contact the New Mexico medical board to
6 make a complaint about a health care provider's failure to
7 comply with the patient's rights and shall include the address
8 and telephone number of the New Mexico medical board.

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