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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."