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SENATE BILL 251

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

Gerald Ortiz y Pino

AN ACT

RELATING TO EMPLOYMENT; EXEMPTING EMPLOYERS OF HEALTH CARE PRACTITIONERS OR HEALTH CARE WORKERS WHO APPLY FOR EMPLOYMENT OR WHO ARE HIRED ON OR AFTER JULY 1, 2015 FROM THE PROHIBITIONS OF THE EMPLOYEE PRIVACY ACT.

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

SECTION 1. Section 50-11-1 NMSA 1978 (being Laws 1991, Chapter 244, Section 1) is amended to read:

"50-11-1. SHORT TITLE.--~~[This act]~~ Chapter 50, Article 11 NMSA 1978 may be cited as the "Employee Privacy Act"."

SECTION 2. Section 50-11-2 NMSA 1978 (being Laws 1991, Chapter 244, Section 2) is amended to read:

"50-11-2. DEFINITIONS.--As used in the Employee Privacy Act:

A. "employee" means a person that performs a

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1 service for wages or other remuneration under a contract of
2 hire, written or oral, express or implied, and includes a
3 person employed by the state or a political subdivision of the
4 state;

5 B. "employer" means a person that has one or more
6 employees and includes an agent of an employer and the state or
7 a political subdivision of the state; [~~and~~]

8 C. "health care practitioner" means:

9 (1) a person licensed pursuant to the
10 provisions of the Optometry Act;

11 (2) a person licensed, registered or certified
12 pursuant to the provisions of the Nursing Practice Act;

13 (3) a person licensed or certified pursuant to
14 the provisions of the Chiropractic Physician Practice Act;

15 (4) a person licensed or certified pursuant to
16 the Dental Health Care Act;

17 (5) a person licensed pursuant to the
18 provisions of the Medical Practice Act;

19 (6) a person licensed pursuant to the
20 provisions of the Anesthesiologist Assistants Act;

21 (7) a person licensed pursuant to the
22 provisions of the Podiatry Act;

23 (8) a person licensed pursuant to the
24 provisions of the Polysomnography Practice Act;

25 (9) a person licensed pursuant to the

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1 provisions of the Professional Psychologist Act;

2 (10) a person licensed or registered pursuant
3 to the provisions of the Counseling and Therapy Practice Act;

4 (11) an osteopathic physician licensed
5 pursuant to the provisions of Chapter 61, Article 10 NMSA 1978
6 or a person licensed pursuant to the provisions of the
7 Osteopathic Physicians' Assistants Act;

8 (12) a person licensed or registered pursuant
9 to the provisions of the Pharmacy Act;

10 (13) a person licensed, registered or
11 certified pursuant to the provisions of the Occupational
12 Therapy Act;

13 (14) a person licensed pursuant to the
14 provisions of the Respiratory Care Act;

15 (15) a person licensed pursuant to the
16 provisions of the Massage Therapy Practice Act;

17 (16) a person licensed pursuant to the
18 provisions of the Physical Therapy Act;

19 (17) a person licensed pursuant to the
20 provisions of the Naprapathic Practice Act;

21 (18) a person licensed pursuant to the
22 provisions of the Acupuncture and Oriental Medicine Practice
23 Act;

24 (19) a person licensed pursuant to the Speech-
25 Language Pathology, Audiology and Hearing Aid Dispensing

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1 Practices Act;

2 (20) a person licensed, certified or
3 credentialed pursuant to the Medical Imaging and Radiation
4 Therapy Health and Safety Act;

5 (21) a person registered by the department of
6 health as a midwife;

7 (22) a person licensed pursuant to the
8 provisions of the Social Work Practice Act; or

9 (23) a person licensed or certified pursuant
10 to the provisions of the Emergency Medical Services Act;

11 D. "health care worker" means a person other than a
12 health care practitioner:

13 (1) whose work involves contact with patients;

14 (2) who is employed by a health facility; or

15 (3) who provides wellness, care coordination
16 or disease prevention and management services directly to an
17 insured under a health insurance plan or to an enrollee of a
18 managed care health plan;

19 E. "health facility" means a public hospital,
20 profit or nonprofit private hospital, general or special
21 hospital, outpatient facility, maternity home or shelter, adult
22 daycare facility, nursing home, intermediate care facility,
23 boarding home not under the control of an institution of higher
24 learning, child care center, shelter care home, diagnostic and
25 treatment center, rehabilitation center, infirmary, community

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