## New Mexico

### Birth Defects Surveillance System

<table>
<thead>
<tr>
<th>State</th>
<th>Statute/Rule</th>
<th>Language Specific to Surveillance System</th>
<th>Data Sharing</th>
<th>Research Authority</th>
<th>Consent Required</th>
<th>Dissent Allowed?</th>
</tr>
</thead>
<tbody>
<tr>
<td>NM</td>
<td>STATUTE: Title 24, Chapter 1 NMAC Title 7, Chapter 4, Part 3</td>
<td>24-1-3. Powers and authority of department. The department has authority to:… B. supervise the health and hygiene of the people of the state; C. investigate, control and abate the causes of disease, especially epidemics, sources of mortality and other conditions of public health;… U. request and inspect, while maintaining federal and state confidentiality requirements, copies of: (1) medical and clinical records reasonably required for the department’s quality assurance and quality improvement activities;… V. do all other things necessary to carry out its duties. [emphasis added]</td>
<td>7.4.3.9 CONTROL OF CONDITIONS OF PUBLIC HEALTH SIGNIFICANCE: …H. Medical records: To carry out its duties to investigate and control disease and conditions of public health significance, the department of health or designee shall have access to all medical records of persons with, or suspected of having, notifiable diseases or conditions of public health significance. The department of health is a “public health authority” as defined by the Health Insurance Portability and Accountability Act</td>
<td>7.4.3.9 … J. Research use of notifiable condition data: Researchers…may conduct studies utilizing notifiable condition data, including studies of the sources and causes of conditions of public health significance, evaluations of the cost, quality, efficacy and appropriateness of screening, diagnostic, therapeutic, rehabilitative and preventive services and</td>
<td>NO</td>
<td>NO</td>
</tr>
</tbody>
</table>

Notifiable Disease/Conditions in New Mexico (7 NMAC 4.3.12): 12.2.6 BIRTH DEFECTS Report to Birth Defects Registry,
Children's Medical Services, Public Health Division, NM Department of Health, PO Box 26110, Santa Fe, NM 87502-6110. All birth defects diagnosed by age 14 years, including: Defects diagnosed during pregnancy. Defects diagnosed on fetal deaths. List of Notifiable Diseases/Conditions in New Mexico revised 1-1-2000.

12.3 ALL REPORTS MUST INCLUDE:
12.3.1 The disease or problem being reported;
12.3.2 Patient's name, date of birth/age, gender, race/ethnicity, address and telephone number;
12.3.3 Physician's (or laboratory's) name and telephone number.

7.4.3.12 NOTIFIABLE DISEASES OR CONDITIONS IN NEW MEXICO: … D. Routine reporting…:

…(11) Birth defects and congenital hearing loss.

(a) Report to children’s medical

of 1996 (HIPAA) and the Privacy Rule. The department of health is authorized to receive protected health information without patient authorization for purposes of public health surveillance, investigation and interventions and as otherwise required by law… [emphasis added]

7.4.3.7 DEFINITIONS: … C. “Condition of public health significance” means a condition dangerous to public health or safety…

programs relating to conditions of public health significance and other clinical or epidemiologic research.
| (b) All birth defects diagnosed by age 4 years, including: (i) defects diagnosed during pregnancy; (ii) defects diagnosed on fetal death (iii) defects found in chromosome testing on amniotic fluid, chorionic villus sampling and products of conception for Trisomy 13, Trisomy 18 and Trisomy 21. (c) Suspected or confirmed congenital hearing loss in one or both ears. (d) All conditions identified through statewide newborn genetic screening. [emphasis added] |   |   |