# New Mexico Cancer 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>
</tr>
</thead>
</table>
| NM    | STATUTE: Title 24, Chapter 1  
RULE: NMAC Title 7, Chapter 4, Part 3 | 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]  
7 NMAC 4.3.7 DEFINITIONS …  
7.1."Cancer" means all malignant neoplasms and all intracranial neoplasms, regardless of the tissue of origin.[12-20-79, 10-31-96; N, 1-1-2000]  
7.2. "Cancer Registry" means the New Mexico Tumor Registry, located at the University of New Mexico Health Sciences Center. [12-20-79, 10-31-96; N, 1-1-2000] | 7.4.3.9 CONTROL OF DISEASE AND 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, notable diseases or conditions of public health significance. The department of health is a "public health  
7.4.3.9 …  
J. Research use of notifiable condition data: Researchers authorized by the division or its agents who certify to the satisfaction of the office that confidentiality of data will be maintained in accordance with applicable state and federal confidentiality requirements, may conduct studies utilizing notifiable condition data, including studies of the sources and | NO |

Copyright © Citizens’ Council for Health Freedom August 2013  
Updated August 2012. All state statutes and department rules originally accessed online July/Aug 2008.  
Statute/Rule data not inclusive. For comprehensive or updated language, access complete statute and rules online, at local library or through the state legislature.  
www.cchfreedom.org
### 7 NMAC 4.3.10 CANCER REPORTING

10.1 RESPONSIBLE AGENCY: The New Mexico Tumor Registry is the agency responsible for operating a statewide cancer registry.

10.2 REPORTING REQUIREMENTS-FACILITIES: Hospitals and other facilities providing screening, diagnostic or therapeutic services to patients with respect to cancer shall report cancer cases to the cancer registry.

10.3 REPORTING REQUIREMENTS-HEALTH CARE PROFESSIONALS: Health care professionals diagnosing or providing treatment for cancer patients, except for cases directly referred to or previously admitted to a hospital or other facility providing screening, diagnostic or therapeutic services to patients in this state and reported by those facilities shall report cancer cases to the cancer registry.

10.4 MEDICAL RECORDS: The cancer registry is authorized to access all records of physicians and surgeons, hospitals, outpatient clinics, nursing homes, and all other facilities, individuals or agencies providing such services to patients which would identify cases of cancer or would establish the characteristics of the cancer, treatment of the cancer or medical status of any identified patient.

authority” as defined by the Health Insurance Portability and Accountability Act 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…

7.4.3.7 DEFINITIONS:

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

causes of conditions of public health significance, evaluations of the cost, quality, efficacy and appropriateness of screening, diagnostic, therapeutic, rehabilitative and preventive services and programs relating to conditions of public health significance and other clinical or epidemiologic research.
### 10.5 REPORTING FORMAT: Cancer case data
Cancer case data shall be reported to the cancer registry in such a format, with such data elements and in accordance with such standards of quality, timeliness and completeness as may be established by the cancer registry.

### 10.6 CONFIDENTIALITY: All cancer case data
All cancer case data reported to the statewide cancer registry is confidential. Disclosure to any person of information reported to the cancer registry that identifies, or could lead to the identification of an individual cancer patient, except for disclosure to other state cancer registries, local and state health officers, or cancer researchers for the purposes of cancer prevention, control or research, is prohibited.

### 10.7 RESEARCH USE OF REGISTRY DATA:
Researchers authorized by the cancer registry or the Department may conduct studies, utilizing statewide cancer registry data, including studies of the sources and causes of cancer, evaluations of the cost, quality, efficacy and appropriateness of screening, diagnostic, therapeutic, rehabilitative and preventive services and programs relating to cancer and any other clinical, epidemiologic or other cancer research.

[12-20-79, 10-31-96; N, 1-1-2000]
<table>
<thead>
<tr>
<th>Notifiable Disease/Conditions in New Mexico (7 NMAC 4.3.12):</th>
<th>12.2.5 CANCER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report to New Mexico Tumor Registry, University of New Mexico School of Medicine, Albuquerque, NM 87131. All malignant and in situ neoplasms and all intracranial nebasal cell and squamous cell carcinoma of the skin.</td>
<td>clinical, epidemiologic or other cancer research. [12-20-79, 10-31-96; N, 1-1-2000]</td>
</tr>
</tbody>
</table>