

**FIFTY-SEVENTH LEGISLATURE
SECOND SESSION, 2026**

January 30, 2026

Mr. Speaker:

Your **HEALTH & HUMAN SERVICES COMMITTEE**, to whom has been referred

HOUSE BILL 99

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 5, strike lines 10 through 19 and insert in lieu thereof:

"K. "occurrence" means a provider's or providers' acts or omissions in the course of medical treatment that created or combined to create an injury or injuries to a patient, regardless of the number of health care providers whose acts or omissions contributed to the injury or injuries; provided that "occurrence" shall not be construed to limit recovery to only one maximum statutory payment when independent medical acts or omissions cause separate injury or injuries to a patient in a course of medical treatment;"

2. On page 15, line 22, after "provider", insert "who is a natural person or that is a hospital owned and operated by a New Mexico resident or domestic corporation and is not part of a hospital system".

3. On page 15, line 22, strike the colon and on line 23, strike the paragraph designation "(1)".

4. On page 15, line 25, after "1978", strike the remainder of the line and on page 16, strike line 1 up to the period.

5. On page 16, between lines 1 and 2, insert:

"C. A judgment of punitive damages against a health care provider shall not be paid from the fund.".

6. Reletter the succeeding subsection accordingly.

7. On page 16, line 10, strike the closing quotation mark and between lines 10 and 11, insert:

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"E. As used in this section, "hospital system" means a group of two or more hospitals that are owned, operated or controlled by the same person or persons."".

8. On page 17, line 17, after the period, strike the remainder of the line, strike lines 18 through 23 and strike line 24 through the period and insert in lieu thereof:

"The surcharges for health care providers, including hospitals and outpatient health care facilities whose qualifications for the fund end on January 1, 2030, shall be based on sound actuarial principles, using data obtained from New Mexico claims and loss experience. The surcharges for independent providers and independent outpatient health care facilities shall be determined by the superintendent with the advice of the advisory board and based on the annual independent actuarial study of the fund. The surcharge for hospitals and outpatient health care facilities shall be no less than the actuary's recommended surcharges based on an expected value basis to fully fund the current and projected claims obligations of the hospitals and outpatient health care facilities.".,

and thence referred to the **JUDICIARY COMMITTEE.**

Respectfully submitted,

Elizabeth Thomson, Chair

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

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The roll call vote was 7 For 3 Against
Yes: Anaya, Cates, Chavez, N, Chávez, E, Ferrary, Herndon,
Thomson
No: Jones, Martinez, A., Sena Cortez
Excused: None
Absent: None

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