

HOUSE BILL 195

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

Reena Szczepanski and Marianna Anaya

10 AN ACT

11 RELATING TO JUDGMENTS; PROHIBITING THE COLLECTION OF MEDICAL
12 MALPRACTICE JUDGMENTS FROM AN INDEPENDENT PROVIDER'S PERSONAL
13 INCOME OR ASSETS, EXCEPT IN CERTAIN CASES; PROHIBITING
14 PLAINTIFFS IN MEDICAL MALPRACTICE CASES FROM MAKING CERTAIN
15 FRIVOLOUS ALLEGATIONS.

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

SECTION 1. A new section of Chapter 42, Article 10 NMSA 1978 is enacted to read:

"[NEW MATERIAL] JUDGMENTS AGAINST INDEPENDENT PROVIDERS.--

A. A plaintiff who makes a medical malpractice claim pursuant to the Medical Malpractice Act shall not pursue, collect or execute on a judgment against the personal income of an independent provider or the personal assets owned by an independent provider if the court finds that the independent

•232426•6

underscored material = new
[bracketed material] = delete

1 provider maintained:

2 (1) qualification under the provisions of the
3 Medical Malpractice Act pursuant to Section 41-5-5 NMSA 1978;
4 or

5 (2) an insurance policy with a policy limit
6 sufficient to cover the applicable per-occurrence limit on
7 recovery specified in Section 41-5-6 NMSA 1978.

8 B. The court may reduce or nullify a damage award
9 if the court finds the plaintiff made allegations that:

10 (1) are irrelevant to the adjudication of the
11 claims at issue;

12 (2) are made primarily to coerce or induce an
13 independent provider to settle; or

14 (3) rely on an independent provider's personal
15 income or assets.

16 C. For the purposes of this section, "independent
17 provider" means a natural person who is a licensed physician,
18 chiropractic physician, podiatric physician, certified
19 registered nurse anesthetist, physician assistant, certified
20 nurse practitioner, certified clinical nurse specialist or
21 certified nurse-midwife who is not an employee of a hospital or
22 an outpatient health care facility. "Independent provider"
23 does not mean a person or an entity protected pursuant to the
24 Tort Claims Act or the Federal Tort Claims Act."

25 SECTION 2. APPLICABILITY.--The provisions of this act

.232426.6

1 apply to all medical malpractice claims brought on or after the
2 effective date of this act.

3 - 3 -
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

underscored material = new
[bracketed material] = delete