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HOUSE BILL 195

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

INTRODUCED BY

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AN ACT

RELATING TO JUDGMENTS; PROHIBITING THE COLLECTION OF MEDICAL
MALPRACTICE JUDGMENTS FROM AN INDEPENDENT PROVIDER'S PERSONAL
INCOME OR ASSETS, EXCEPT IN CERTAIN CASES; PROHIBITING
PLAINTIFFS IN MEDICAL MALPRACTICE CASES FROM MAKING CERTAIN
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

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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

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

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