

HOUSE BILL 241

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

INTRODUCED BY

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AN ACT

RELATING TO PHYSICIANS; REQUIRING COURTS TO NOTIFY THE NEW MEXICO MEDICAL BOARD WHEN PHYSICIANS ARE NAMED AS DEFENDANTS IN MEDICAL MALPRACTICE CASES; EXTENDING THE PERIOD IN WHICH THE NEW MEXICO MEDICAL BOARD MAY SUMMARILY SUSPEND LICENSEES; REQUIRING THE NEW MEXICO MEDICAL BOARD TO POST CERTAIN INFORMATION RELATING TO MEDICAL MALPRACTICE CLAIMS ON THE BOARD'S WEBSITE.

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

SECTION 1. Section 61-6-15.1 NMSA 1978 (being Laws 2008, Chapter 74, Section 1) is amended to read:

"61-6-15.1. SUMMARY SUSPENSION OR RESTRICTION OF
LICENSE.--

A. The board may summarily suspend or restrict a license issued by the board without a hearing, simultaneously

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with or at any time after the initiation of proceedings for a hearing provided under the Uniform Licensing Act, if the board finds that evidence in its possession indicates that the licensee:

(1) poses a clear and immediate danger to the public health and safety if the licensee continues to practice;

(2) has been adjudged mentally incompetent by a final order or adjudication by a court of competent jurisdiction; or

(3) has pled guilty to or been found guilty of any offense related to the practice of medicine or for any violent criminal offense in this state or a substantially equivalent criminal offense in another jurisdiction.

B. A licensee is not required to comply with a summary action until service has been made or the licensee has actual knowledge of the order, whichever occurs first.

C. A person whose license is suspended or restricted under this section is entitled to a hearing by the board pursuant to the Uniform Licensing Act within [fifteen] thirty days from the date the licensee requests a hearing."

SECTION 2. Section 61-6-16 NMSA 1978 (being Laws 1989, Chapter 269, Section 12, as amended) is amended to read:

"61-6-16. REPORTING OF MALPRACTICE CLAIMS, SETTLEMENTS AND JUDGMENTS, PROFESSIONAL REVIEW ACTIONS AND ACCEPTANCE OF SURRENDERED LICENSE--IMMUNITY FROM CIVIL DAMAGES--PENALTY--

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1 A. When a malpractice claim is filed in a court of
2 New Mexico, the court shall notify the board of any licensees
3 named as defendants in the lawsuit. The court shall notify the
4 board if a claim against a licensee is dismissed, or if a claim
5 is amended to no longer include a licensee as a defendant.

6 [A.] B. All entities that make payments under a
7 policy of insurance, self-insurance or otherwise in settlement
8 or satisfaction of a judgment in a medical malpractice action
9 or claim, hospitals, health care entities and professional
10 review bodies shall report to the board all payments relating
11 to malpractice actions or claims arising in New Mexico that
12 involve a licensee and that are paid as a direct result of the
13 licensee's care, all appropriate professional review actions of
14 licensees and the acceptance or surrender of clinical
15 privileges by a licensee while under investigation or in lieu
16 of an investigation. For the purposes of this section, the
17 meaning of these terms shall be as contained in Section 431 of
18 the federal Health Care Quality Improvement Act of 1986, 42
19 USCA Section 11151.

20 C. A malpractice claim that results in at least one
21 million dollars (\$1,000,000) in payments shall be reviewed by
22 the board.

23 D. The board shall maintain a database of all
24 notification reports made to the board pursuant to this
25 section. The database shall be posted on the board's website

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and shall display all active malpractice claims against a licensee, all payments made by or on behalf of a licensee as a direct result of the licensee's care and any disciplinary actions taken against the licensee.

[B-] E. The hospitals required to report under this section, health care entities or professional review bodies that provide such information in good faith shall not be subject to suit for civil damages as a result of providing the information.

[C.] F. A hospital, health care entity or professional review body failing to comply with the reporting requirements provided in this section shall be subject to civil penalty not to exceed ten thousand dollars (\$10,000)."

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