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FISCAL IMPACT REPORT

ORIGINAL DATE 02/21/13

SPONSOR Ryan LAST UPDATED _____ HB _____

SHORT TITLE Medical Malpractice Lawsuit Venue SB 469

ANALYST Esquibel

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY13	FY14		
NFI	NFI	NFI	NFI

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)

Administrative Office of the District Attorneys (AODA)

Public Regulation Commission (PRC), Division of Insurance

Human Services Department (HSD)

SUMMARY

Synopsis of Bill

Senate Bill 469 (SB 469) applies to medical malpractice suits filed on or after July 1, 2013 and requires that the plaintiff patient file those suits in the county in which the plaintiff received the medical treatment that is the basis for the suit or in the county which is the principal place of business of the health care provider at the time the suit is filed.

SB 469 thus localizes, for venue purposes, malpractice suits brought against defendant doctors or other health care providers and their employing entities or institutions to the counties where they performed services or where the entity or institution has its principal place of business. SB 469 thus creates an exception to Section 38-3-1(A), which would otherwise permit a plaintiff in a malpractice action to sue in the county where that plaintiff resides.

FISCAL IMPLICATIONS

SB 469 contains no appropriation.

TECHNICAL ISSUES

The Attorney General's Office indicates for consistency purposes that page 2, lines 23 through 25, should be revised to state also that the residence of the "patient," not simply those persons suing on behalf of the patient, shall not be used to determine venue.

The PRC states the bill does not specify where to apply in New Mexico's statutes the provisions contained in the bill.

RAE/svb