

PCF Participation for Hospitals

October 20, 2026



New Mexico Hospital Association

NMHA is the advocate and supporter of 48 community hospitals and the patients and communities they serve — and of hospital healthcare champions in public office.

We work with others to advance public policy to create a healthier New Mexico by protecting and expanding access to quality care.

Protections Provided through PCF Participation

- **Non-Economic Damages cap** of \$6M per occurrence (annual increase)
- **Occurrence** defined as one injury equaling one occurrence
- **Punitive Damages cap:**
 - 1.0X non-economic cap for NM owned, non-system hospitals
 - 2.5X non-economic cap for all other hospitals
- **Medical costs valued** at actual amount expected not the charged amount
- **Hospitals in the PCF indefinitely**
- **Patient medical costs** are paid as incurred and not “lump summed” so patient-related care costs are covered
- **PCF surcharge deficits for hospitals** can not accrue, the Superintendent must set hospital surcharges at no less than the actuarial expected rate

PCF Participation

- 27 Acute Care Hospitals
 - 22 participate in the PCF
 - 5 non-participants
- 12 Post-Acute Hospitals (Behavioral Health, Physical Rehab Long Term Acute)
 - 3 participate in the PCF
 - 5 non-participants
- Governmental-owned facilities are covered by:
 - State Tort Claims Act or
 - Federal Tort Claims Act, so the Medical Malpractice Act and PCF do not apply to them

PCF Benefits

- Protections provided
- Slightly less expensive coverage
- Ongoing patient care is paid through and administered by PCF

Questions



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Thank You!



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