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SENATE MEMORIAL 7

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Pete Campos

A MEMORIAL

**REQUESTING THE NEW MEXICO HEALTH POLICY COMMISSION AND THE
INSURANCE DIVISION OF THE PUBLIC REGULATION COMMISSION TO
CONVENE A TASK FORCE ON HEALTH CARE PRACTITIONER LIABILITY
INSURANCE.**

**WHEREAS, there is an escalating crisis in health care
access because malpractice premiums for all types of health
care providers are skyrocketing; and**

**WHEREAS, declining reimbursement rates for medicare and
medicaid affect every type of provider and practitioner,
including physicians, advance practice nurses, hospitals,
nursing homes, clinics and others; and**

**WHEREAS, medical malpractice liability is capped at six
hundred thousand dollars (\$600,000) for health care providers
who qualify by contributing to the patient's compensation fund;**

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1 and

2 WHEREAS, certain practitioners, such as nurse midwives,
3 nurse practitioners, dentists and others, are required to carry
4 three million dollars (\$3,000,000) in malpractice coverage; and

5 WHEREAS, some health care providers are not included under
6 the Medical Malpractice Act and thus do not qualify under its
7 provisions; and

8 WHEREAS, insurance coverage is not available for certain
9 types of practitioners and certain types of services, including
10 home births; and

11 WHEREAS, options may be available to address this
12 escalating crisis, including amending the Medical Malpractice
13 Act, creating a joint underwriting association, purchasing
14 coverage through the risk management division of the general
15 services department, creating a separate liability act or self-
16 insuring;

17 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
18 OF NEW MEXICO that the New Mexico health policy commission and
19 the insurance division of the public regulation commission be
20 requested to convene a task force of representatives from
21 statewide health care practitioner groups, including the New
22 Mexico medical society, the American college of nurse-midwives,
23 the New Mexico nurse anesthetist association, the New Mexico
24 midwives association, the New Mexico dental association, the
25 New Mexico hospital and health systems association, the New

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1 Mexico health care association, the New Mexico trial lawyers
2 association and foundation, the office of the governor and
3 others, to examine the malpractice insurance dilemma and its
4 impact on providers and patients; and

5 BE IT FURTHER RESOLVED that the task force examine the
6 statutes, constitutional provisions, regulations and court
7 decisions governing medical malpractice; and

8 BE IT FURTHER RESOLVED that the task force submit its
9 findings and recommendations, including legislative initiatives
10 for malpractice insurance reform for health care providers, by
11 November 1, 2005 to the legislative health and human services
12 committee, the legislative finance committee, the department of
13 health and the office of the governor; and

14 BE IT FURTHER RESOLVED that copies of this memorial be
15 transmitted to the New Mexico health policy commission and the
16 insurance division of the public regulation commission.