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SENATE BILL 349

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Pete Campos

AN ACT

RELATING TO HEALTH; CREATING THE BIRTHING WORKFORCE RETENTION
FUND FOR ASSISTANCE WITH MALPRACTICE PREMIUMS FOR CERTIFIED
NURSE-MIDWIVES AND PHYSICIANS WHO PROVIDE BIRTHING SERVICES TO
LOW-INCOME NEW MEXICANS; MAKING AN APPROPRIATION.

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

Section 1. BIRTHING WORKFORCE RETENTION FUND CREATED.--

A. The "birthing workforce retention fund" is
created in the state treasury. The purpose of the fund is to
provide malpractice insurance premium assistance for certified
nurse-midwives or physicians whose insurance premium costs
jeopardize their ability to continue their obstetrics practices
in New Mexico. The fund shall consist of appropriations,
gifts, grants and donations to the fund. The fund shall be
administered by the department of health.

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1 B. The department of health shall develop procedures
2 and rules for the application for and award of money from the
3 birthing workforce retention fund, including criteria upon
4 which to evaluate the need of the applicant and the merits of
5 the application. The rules shall require that the applicant be
6 a certified nurse-midwife licensed in New Mexico or a physician
7 licensed in New Mexico and that the applicant demonstrate need
8 by showing that medicaid patients or indigent patients
9 constitute at least one-half of the obstetric practice of the
10 applicant and that malpractice insurance premiums have
11 increased every year for two years. The certified nurse-
12 midwife or physician shall have a malpractice liability
13 insurance policy in force. Subject to the availability of
14 funds, an award shall not be less than five thousand dollars
15 (\$5,000) and shall be disbursed based on the percentage of
16 medicaid patients or indigent patients seen in the practice.
17 Priority for the awarding of money from the birthing workforce
18 retention fund shall be in the following order:

- 19 (1) to certified nurse-midwives; and
20 (2) to family practice physicians and
21 obstetricians.

22 C. Disbursements from the birthing workforce
23 retention fund shall be made by warrant of the department of
24 finance and administration pursuant to vouchers signed by the
25 secretary of health or the secretary's authorized

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1 representative. Any unexpended or unencumbered balance
2 remaining in the fund at the end of a fiscal year shall not
3 revert but shall remain to the credit of the fund.

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