

underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE MEMORIAL 116

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

INTRODUCED BY

Keith J. Gardner

A MEMORIAL

REQUESTING THE SECRETARY OF HUMAN SERVICES AND THE  
SUPERINTENDENT OF INSURANCE TO STUDY THE INCREASING COST OF  
MEDICAL AND PROFESSIONAL LIABILITY INSURANCE FOR HEALTH CARE  
PROVIDERS AND FACILITIES.

WHEREAS, medical and professional liability insurance  
rates continue to rise in New Mexico for providers who do not  
have a statutory limitation of liability; and

WHEREAS, currently, there is no statutory limitation on  
recovery for liability of nursing facilities, hospitals and  
some health care providers, which is driving the cost of  
medical and professional liability insurance even higher for  
those practitioners and facilities; and

WHEREAS, nurses, nurse anesthetists, midwives, health  
facilities and other health care practitioners face such high

underscored material = new  
[bracketed material] = delete

1 medical and professional liability insurance rates that the  
2 premiums threaten the financial stability of their practices;  
3 and

4 WHEREAS, long-term care facilities, nursing homes and  
5 other health care facilities are required to pay increasingly  
6 high medical and professional liability insurance rates, and  
7 those premiums threaten the continued operation of those  
8 facilities; and

9 WHEREAS, unsubstantiated claims against health care  
10 providers and facilities contribute to the increase in medical  
11 and professional liability insurance premiums; and

12 WHEREAS, according to the New Mexico health policy  
13 commission, all but one county in the state have a shortage of  
14 health care providers; and

15 WHEREAS, the health and welfare of the people of New  
16 Mexico require availability of and access to health care  
17 providers and facilities for all New Mexicans;

18 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
19 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the secretary  
20 of human services and the superintendent of insurance be  
21 requested to assemble a task force that includes  
22 representatives from the New Mexico health care association,  
23 the New Mexico trial lawyers association, the New Mexico  
24 defense lawyers association, the risk management division of  
25 the general services department, the medical and professional

.178437.2

underscoring material = new  
[bracketed material] = delete

1 liability insurance industry, health care providers, health  
2 care facilities and other relevant and interested parties; and

3 BE IT FURTHER RESOLVED that the task force be requested to  
4 study how medical and professional liability insurance can be  
5 made more affordable to health care providers and facilities  
6 and to examine alternatives to current policies on medical and  
7 professional liability insurance, providing limitations on  
8 claims and stemming any abuse in the system; and

9 BE IT FURTHER RESOLVED that the task force be requested to  
10 present its report and recommendations no later than November  
11 2009 to the interim legislative committee that oversees the  
12 judiciary and to the interim legislative committee that  
13 oversees health and human services; and

14 BE IT FURTHER RESOLVED that copies of this memorial be  
15 transmitted to the secretary of human services and the  
16 superintendent of insurance.

17 - 3 -  
18  
19  
20  
21  
22  
23  
24  
25