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HOUSE BILL 316

**50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

INTRODUCED BY

Thomas C. Taylor

AN ACT

RELATING TO MEDICAL MALPRACTICE; SPECIFYING VENUE FOR  
MALPRACTICE CLAIMS FILED ON OR AFTER JULY 1, 2012.

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

**SECTION 1. VENUE.--**

A. A malpractice claim shall be brought in:

(1) the county where the patient resided at  
the time of medical treatment;

(2) the county where the patient received  
medical treatment; or

(3) the county where the principal place of  
business of a health care provider, or any one of them if there  
is more than one, is located.

B. As used in this section:

(1) "health care provider" means a person

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underscored material = new  
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1 providing health care, whether authorized or unauthorized by  
2 this state to do so;

3 (2) "malpractice claim" includes any cause of  
4 action arising in this state against a health care provider for  
5 medical treatment, lack of medical treatment or other claimed  
6 departure from accepted standards of health care that  
7 proximately results in injury to the patient, whether the  
8 patient's claim or cause of action sounds in tort or contract,  
9 and includes but is not limited to actions based on battery or  
10 wrongful death; "malpractice claim" does not include a cause of  
11 action arising out of the driving, flying or nonmedical acts  
12 involved in the operation, use or maintenance of a vehicular or  
13 aircraft ambulance; and

14 (3) "patient" means a natural person who  
15 received or should have received health care from a health care  
16 provider, under a contract, express or implied.

17 **SECTION 2. APPLICABILITY.**--The provisions of Section 1 of  
18 this act apply to malpractice claims filed in court on or after  
19 July 1, 2012.