SENATE BILL 469

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

John C. Ryan

AN ACT

RELATING TO MEDICAL MALPRACTICE; SPECIFYING VENUE FOR MEDICAL MALPRACTICE LAWSUITS FILED ON OR AFTER JULY 1, 2013.

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

SECTION 1. DEFINITIONS.--As used in Sections 1 through 3 of this act:

A. "health care provider" means a person providing health care services of any type and includes an entity that provides such services or who employs individuals who provide such services, and its parent entity if its principal place of business is located in this state;

B. "medical malpractice lawsuit" means any legal proceeding alleging a cause of action arising in this state against a health care provider for medical treatment, lack of medical treatment or other claimed departure from accepted
standards of health care that proximately results in injury to
the patient, whether the patient's cause of action sounds in
tort or contract, including actions based on battery, wrongful
death, unfair trade practices or negligent hiring, supervision,
training, retention or credentialing and excluding a cause of
action arising out of nonmedical acts related to the operation,
use or maintenance of a vehicular or aircraft ambulance; and

C. "patient" means a natural person who received or
should have received health care from a health care provider.

SECTION 2. VENUE FOR MEDICAL MALPRACTICE LAWSUIT.--A
medical malpractice lawsuit shall be brought in:

A. the county in which the patient received medical
treatment that is the basis for the medical malpractice
lawsuit; or

B. the county in which the principal place of
business of a health care provider, or any one of the health
care providers if there is more than one, is located at the
time the medical malpractice lawsuit is filed.

SECTION 3. NO VENUE BASED UPON RESIDENCE OF PATIENT'S
REPRESENTATIVE.--Venue shall not be expanded by the appointment
of any person bringing suit by or on behalf of a patient or a
patient's estate, including a parent, family member, next
friend, guardian, conservator or personal representative. The
place of residence of any such person shall not be used to
determine venue under Section 2 of this act.
SECTION 4. APPLICABILITY.--The provisions of this act apply to medical malpractice lawsuits filed on or after July 1, 2013.