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HOUSE BILL 171

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Yvette Herrell

AN ACT

RELATING TO HEALTH CARE; AMENDING A SECTION OF THE MEDICAL
MALPRACTICE ACT TO ESTABLISH CERTAIN CONDITIONS FOR BIRTHING
WORKFORCE RETENTION FUND AWARDS.

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

SECTION 1. Section 41-5-26.1 NMSA 1978 (being Laws 2008,
Chapter 73, Section 1) is amended to read:

"41-5-26.1. 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

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underscored material = new
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1 administered by the department of health, and money in the fund
2 is appropriated to the department of health for the purpose of
3 making awards pursuant to the provisions of this section.

4 B. The department of health shall develop procedures
5 and rules for the application for and award of money from the
6 birthing workforce retention fund, including criteria upon
7 which to evaluate the need of the applicant and the merits of
8 the application. The rules shall require that the applicant be
9 a certified nurse-midwife licensed in New Mexico or a physician
10 licensed in New Mexico and that the applicant demonstrate need
11 by showing that medicaid patients or indigent patients
12 constitute at least one-half of the obstetric practice of the
13 applicant [~~and that malpractice insurance premiums have~~
14 ~~increased every year for two years~~]. The certified nurse-
15 midwife or physician shall have a malpractice liability
16 insurance policy in force. Subject to availability of funds,
17 an award shall not be less than five thousand dollars (\$5,000)
18 and not more than ten thousand dollars (\$10,000). [~~and~~] An
19 award shall be disbursed based on the percentage of medicaid
20 patients or indigent patients seen in the practice and on the
21 certified nurse-midwife's or the physician's intent to continue
22 obstetrics practice in New Mexico during the period covered by
23 the award. An award shall not be granted to provide premium
24 assistance for tail coverage purchased upon practice
25 termination. Priority for the awarding of money from the

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1 birthing workforce retention fund shall be in the following
2 order:

- 3 (1) to certified nurse-midwives; and
- 4 (2) to family practice physicians and
- 5 obstetricians.

6 C. The department of health shall annually report
7 to the legislative finance committee on the status of the
8 birthing workforce retention fund.

9 D. Disbursements from the birthing workforce
10 retention fund shall be made by warrant of the department of
11 finance and administration pursuant to vouchers signed by the
12 secretary of health or the secretary's authorized
13 representative. Any unexpended or unencumbered balance
14 remaining in the fund at the end of a fiscal year shall not
15 revert but shall remain to the credit of the fund.

16 E. As used in this section, "tail coverage" means
17 insurance coverage providing an extended reporting period for
18 any claims related to conduct that occurred during the period
19 covered by a claims-based medical malpractice policy after it
20 has expired or been canceled."