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HOUSE BILL 270

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Terry H. McMillan

AN ACT

RELATING TO HEALTH CARE PROFESSIONAL LIABILITY; ENSURING ACCESS TO OUT-OF-STATE HEALTH CARE PROVIDERS; BARRING ACTIONS ARISING OUT OF SERVICES RENDERED BY A HEALTH CARE PROVIDER THAT IS LICENSED, REGISTERED, CERTIFIED OR OTHERWISE AUTHORIZED TO PROVIDE SERVICES IN ANOTHER JURISDICTION FOR CARE PROVIDED OUT OF STATE.

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

SECTION 1. A new section of Chapter 41 NMSA 1978 is enacted to read:

"[NEW MATERIAL] PURPOSE.--The purpose of this 2016 act is to ensure that New Mexicans who need to seek health care outside New Mexico will continue to have access to out-of-state health care providers by:

A. requiring New Mexicans who have received health

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1 care outside New Mexico and who believe that they have been
2 harmed to bring their claims in the jurisdiction where the
3 services were rendered; and

4 B. not expanding the liability of an out-of-state
5 health care provider beyond that provided by the laws of the
6 state where the health care provider rendered the services to a
7 patient from New Mexico."

8 SECTION 2. A new section of Chapter 41 NMSA 1978 is
9 enacted to read:

10 "[NEW MATERIAL] CERTAIN HEALTH CARE PROFESSIONAL LIABILITY
11 ACTIONS BARRED.--

12 A. A court shall not have jurisdiction over any
13 civil action against a health care provider for medical
14 treatment, lack of medical treatment or other claimed departure
15 from accepted standards of health care that proximately results
16 in injury to a patient, whether the claim or cause of action
17 sounds in tort or in contract, including actions based on
18 battery or wrongful death if:

19 (1) the health care provider is not licensed,
20 registered, certified or otherwise authorized to provide health
21 care services in this state;

22 (2) the acts or omissions of the health care
23 provider that proximately caused such injury occurred outside
24 the state and in a jurisdiction other than New Mexico in which
25 the health care provider is licensed, registered, certified or

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1 otherwise authorized to provide health care services; and

2 (3) a civil action for damages arising from
3 such injury could have been brought in the state where the acts
4 or omissions of the health care provider that proximately
5 caused such injury occurred, if relief had been timely sought.

6 B. As used in Sections 1 and 2 of this 2016 act,
7 "health care provider" means:

8 (1) a person licensed, registered, certified
9 or otherwise authorized to provide health care services
10 pursuant to the laws of a state;

11 (2) a hospital, outpatient facility,
12 diagnostic treatment center, rehabilitation center, community
13 mental health center, residential treatment center, hospice or
14 home health agency licensed or otherwise authorized to provide
15 health care services pursuant to the laws of a state;

16 (3) a person that owns, operates or manages a
17 health care provider or group of health care providers; or

18 (4) the employees, officers, agents and
19 governing board members of a health care provider or group of
20 health care providers."

21 **SECTION 3. APPLICABILITY.**--The provisions of this act
22 apply to claims arising out of acts or omissions occurring on
23 or after the effective date of this act.

24 **SECTION 4. EFFECTIVE DATE.**--The effective date of the
25 provisions of this act is July 1, 2016.

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