

<b>LFC Requester:</b>	<b>Julisa Rodriguez</b>
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**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:**

**AgencyAnalysis.nmlegis.gov**

*{Analysis must be uploaded as a PDF}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Check all that apply:  
**Original**     **Amendment**    \_\_\_\_\_  
**Correction**    \_\_\_\_\_ **Substitute**    \_\_\_\_\_

**Date** 1.25.24  
**Bill No:** HB234

**Sponsor:** Dayan Hochman-Vigil

**Agency Name and Code Number:** New Mexico Medical Board - 446

**Short Title:** Medical Malpractice Premium Assistance

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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**  
**BILL SUMMARY**

Synopsis:

SB234 Proposes to Create the Medical Malpractice Premium Assistance Fund as a nonreverting fund to be administered by the Office of Superintendent of Insurance to establish a program to provide medical malpractice premium reimbursement to certain health care providers. Appropriates \$70 million (GF, nonreverting) to the Office of Superintendent of Insurance for use in FY2025 and subsequent fiscal years to reimburse healthcare providers for medical malpractice premiums.

Subject to available funding, the Medical Malpractice Premium Assistance Fund shall reimburse independent health care providers or independent health care provider groups (not employed by a hospital or health system) a percentage of the cost of their annual medical malpractice premium, depending on years practicing in the state, as follows:

- Zero to three years, 25%;
- Four to seven years, 50%;
- Eight to 11 years, 75%; or
- 12 Years or more, 100%

HB234 Specifies criteria for administration of the Fund by the OSI:

- develop priority criteria for disbursements;
- provide forms, standards, procedures and information about the program;
- maintain the privacy and security of information in accord with state and federal law; and
- adopt rules as necessary to implement the act.

HB234 Establishes a reimbursement application process, through the OSI, that includes:

- proof of licensure in the state as certified registered nurse anesthetist, certified nurse-midwife certified nurse practitioner, chiropractic physician, physician, physician assistant, or podiatrist;
- the number of years of practice in the state;
- participation in the Patient’s Compensation Fund and payment of the associated surcharge;
- payment of professional liability insurance coverage, obtained from a medical liability insurer authorized to provide such insurance, for coverage at \$250,000 per occurrence, for

not more than three occurrences in one calendar year; and

- completion of a full year of practice corresponding to the period of medical malpractice coverage for which reimbursement is being sought.

**FISCAL IMPLICATIONS**

None for the New Mexico Medical Board

**SIGNIFICANT ISSUES**

None for the New Mexico Medical Board

**PERFORMANCE IMPLICATIONS**

None for the New Mexico Medical Board

**ADMINISTRATIVE IMPLICATIONS**

None for the New Mexico Medical Board

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None found

**TECHNICAL ISSUES**

None for the New Mexico Medical Board

**OTHER SUBSTANTIVE ISSUES**

None for the New Mexico Medical Board

**ALTERNATIVES**

None for the New Mexico Medical Board

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

None for the New Mexico Medical Board

**AMENDMENTS**

None for the New Mexico Medical Board