

LFC Requester:

Emily Hilla

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.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}*

Date Prepared: January 24, 2026 Check all that apply:
Bill Number: HB 15 Original Correction
 Amendment Substitute

Sponsor: Rep. Anaya **Agency Name and Code** University of New Mexico-952
Short Medical Injury **Number:** _____
Title: Collaborative Resolution Act **Person Writing** Kelly O'Donnell
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SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(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:

HB 15 would enact the Medical Injury Collaborative Resolution Act, creating a voluntary, structured process for “adverse outcome conferences”—formal meetings between a patient (or representative) and a health care provider after an adverse health care outcome (death or injury). The bill provides that statements made during the conference cannot be used to establish fault or negligence and do not limit defenses or apportion damages, while clarifying that statements made outside the conference receive no protection. It also sets basic rules for resolution: any compensation offer made in the conference must remain open at least 15 calendar days, and any settlement must include negotiating a release and obtaining court approval where necessary. Finally, it establishes notice requirements if either side requests a conference, including informing patients of their right to records and counsel and providing a copy of §41-5-13 NMSA 1978 (statute of limitations for medical malpractice claims) with a warning that participation does not extend the time to sue.

FISCAL IMPLICATIONS

SIGNIFICANT ISSUES

HB 15 is intended to encourage open, good-faith communication between patients and health care providers following an adverse health care outcome. However, the scope of the legal protections provided for information shared during an adverse outcome conference may not be sufficiently clear or comprehensive to ensure the bill functions as intended.

Communication and resolution processes are often iterative and may involve the exchange of information that does not neatly fit within the term “statements.” As drafted, the bill limits the use of statements made during an adverse outcome conference only for purposes of establishing fault or negligence or limiting or apportioning damages. The bill does not clearly address whether other communications or information shared during the conference are protected from discovery or admissibility in subsequent proceedings.

In other states, communication and resolution statutes typically provide broader and more explicit protections, treating communications made within the protected process as privileged and confidential, not subject to discovery or subpoena, and not admissible in judicial, administrative, or arbitration proceedings arising from the adverse incident. HB 15 does not include comparable language.

The bill does not expressly address whether communications related to initiating an adverse outcome conference are protected once the parties agree to participate. Without clearer protections, uncertainty regarding what may be disclosed could discourage participation and reduce the effectiveness of the program.

The provisions of this bill may conflict with the "Medical Settlements Act" in NMSA 1978, § 41-1-1.

It is unclear why this provision is codified in Chapter 44 rather than in Chapter 41, which generally

governs tort liability.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS