

FIFTY-SEVENTH LEGISLATURE  
SECOND SESSION

PROPOSED AMENDMENT DIRECTED TO A COMMITTEE

February 16, 2026

Mr. Chair:

I propose to the SENATE JUDICIARY COMMITTEE the following amendments to

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 99

1. On page 1, line 14, before the period, insert "; REPEALING THE PATIENT'S COMPENSATION FUND ADVISORY BOARD AND REPLACING IT WITH THE PATIENT'S COMPENSATION FUND OVERSIGHT COMMISSION".

2. On page 1, strike lines 21 and 22.

3. Reletter the succeeding subsections accordingly.

4. On page 6, between lines 13 and 14, insert:

"M. "oversight commission" means the patient's compensation fund oversight commission;".

5. Reletter the succeeding subsections accordingly.

6. On page 17, line 22, strike "advisory board, no later than January 1, 2022" and insert in lieu thereof "oversight commission".

7. On page 18, line 8, strike "The surcharge".

8. On page 18, line 15, after the closing bracket, strike the remainder of the line and strike lines 16 through 22 and insert in lieu thereof "The surcharges shall be set by the oversight

commission and".

9. On page 18, line 25, strike "hospitals and outpatient" and on page 19, strike line 1 up to the period and insert in lieu thereof "fund".

10. On page 19, line 12, strike "advisory board" and insert in lieu thereof "oversight commission".

11. On page 19, line 16, strike "advisory board" and insert in lieu thereof "oversight commission".

12. On page 20, line 3, strike "Surcharges shall be set" and insert in lieu thereof "The oversight commission shall set the surcharges for the next calendar year".

13. On page 20, line 4, strike "for the next calendar year".

14. On page 21, between lines 19 and 20, insert:

"SECTION 7. A new section of the Medical Malpractice Act, Section 41-5-25.2 NMSA 1978, is enacted to read:

"41-5-25.2. [NEW MATERIAL] PATIENT'S COMPENSATION FUND  
OVERSIGHT COMMISSION--CREATED--MEMBERSHIP--POWERS AND DUTIES.--

A. The "patient's compensation fund oversight commission" is created to provide oversight and regulation of the fund. The office of superintendent of insurance shall provide staff to the oversight commission.

B. The oversight commission shall be established by July 2, 2026 and shall consist of the following six members:

(1) one member appointed by the speaker of the house of representatives;

(2) one member appointed by the minority floor leader of the house of representatives;

(3) one member appointed by the majority floor leader of the senate;

(4) one member appointed by the minority floor leader of the senate; and

(5) two members appointed by the governor.

C. Members of the oversight commission:

(1) shall be chosen annually;

(2) shall elect a chair and vice chair; and

(3) are entitled to receive per diem and mileage pursuant to the Per Diem and Mileage Act but shall receive no other compensation, perquisite or allowance.

D. A majority of the members constitutes a quorum for the transaction of business and all decisions of the oversight commission shall be by majority vote of the members present.

E. The oversight commission shall convene at least twice per year or at the request of the speaker of the house of representatives, the majority floor leader of the senate or the governor.

F. The oversight commission shall:

(1) oversee and regulate the administration of the fund;

(2) review the process and data for setting the surcharges for all qualified health care providers pursuant to the Medical Malpractice Act;

(3) set requirements for surcharge data accumulation and results;

(4) annually set the surcharges to be assessed on all qualified health care providers; and

(5) prepare an annual report to the legislature and the governor on the operations and financial condition of the fund no later than the first day of each year's legislative session."

**SECTION 8. REPEAL.--**Section 41-5-25.1 NMSA 1978 (being Laws 2021, Chapter 16, Section 14) is repealed."

15. Renumber the succeeding sections accordingly.

Respectfully submitted,

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