

HOUSE BILL 15

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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AN ACT

RELATING TO HEALTH CARE; ENACTING THE MEDICAL INJURY
COLLABORATIVE RESOLUTION ACT TO PROVIDE FOR ADVERSE OUTCOME
CONFERENCES BETWEEN PATIENTS AND HEALTH CARE PROVIDERS AFTER
THE OCCURRENCE OF ADVERSE HEALTH CARE OUTCOMES.

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

SECTION 1. A new section of Chapter 44 NMSA 1978 is
enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
"Medical Injury Collaborative Resolution Act".

SECTION 2. A new section of Chapter 44 NMSA 1978 is
enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the Medical
Injury Collaborative Resolution Act:

A. "adverse health care outcome" means an

1 undesirable experience associated with patient care that
2 results in the death or injury of a patient;

3 B. "adverse outcome conference" means a formal
4 meeting between a health care provider and a patient or, if the
5 patient is an unemancipated minor under the age of eighteen,
6 deceased or incapacitated, the patient's representative, that
7 includes an open and candid conversation about the nature of an
8 adverse health care outcome;

9 C. "health care provider" means a person, a
10 corporation, an organization, a facility or an institution
11 licensed or certified by this state to provide medical services
12 that is involved in an adverse health care outcome; and

13 D. "patient" means a person who suffered an adverse
14 health care outcome."

15 SECTION 3. A new section of Chapter 44 NMSA 1978 is
16 enacted to read:

17 "[NEW MATERIAL] ADVERSE HEALTH CARE OUTCOMES--ADVERSE
18 OUTCOME CONFERENCES--CONFIDENTIALITY.--

19 A. A patient or a patient's representative and a
20 health care provider may agree to enter into an adverse outcome
21 conference after an adverse health care outcome occurs.

22 B. Statements made during an adverse outcome
23 conference shall not establish fault or negligence or the
24 defense thereto and shall not limit or apportion damages.

25 C. Statements made outside of an adverse outcome

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1 conference are not provided any protections under the Medical
2 Injury Collaborative Resolution Act, even if those statements
3 are also made during an adverse outcome conference.

4 D. If a health care provider makes an offer to
5 compensate a patient or a patient's family for the patient's
6 injury or injuries, the offer shall remain open for at least
7 fifteen calendar days.

8 E. If a health care provider and a patient or the
9 patient's representative agree to enter into a settlement as a
10 result of an adverse outcome conference, the parties shall
11 negotiate the terms and form of a release and obtain court
12 approval as necessary."

13 SECTION 4. A new section of Chapter 44 NMSA 1978 is
14 enacted to read:

15 "[NEW MATERIAL] NOTICE OF DESIRE TO ENTER INTO AN ADVERSE
16 OUTCOME CONFERENCE.--

17 A. A health care provider may request an adverse
18 outcome conference by giving written notice to the patient or
19 the patient's representative of desire to participate in an
20 adverse outcome conference. The notice shall include:

21 (1) an explanation of the patient's right to
22 receive a copy of the medical records related to the adverse
23 health care outcome;

24 (2) a statement regarding the patient's right
25 to seek legal counsel and to have legal counsel present during

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1 the adverse outcome conference;

2 (3) a copy of Section 41-5-13 NMSA 1978,
3 including a notice that the time for a patient to bring a
4 lawsuit is limited and will not be extended by engaging in an
5 adverse outcome conference; and

6 (4) an explanation that if the patient or the
7 patient's representative chooses to participate in an adverse
8 outcome conference with the health care provider, statements
9 made during an adverse outcome conference do not establish
10 fault or negligence or the defense thereto and shall not limit
11 or apportion damages.

12 B. A patient or a patient's representative may
13 request an adverse outcome conference by providing a health
14 care provider with written notice of desire to enter into an
15 adverse outcome conference. The notice shall include the
16 patient's name and date of birth and a brief statement of the
17 adverse health care outcome at issue."