

1 HOUSE BILL 195

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY

4 Reena Szczepanski

10 AN ACT

11 RELATING TO JUDGMENTS; PROHIBITING THE COLLECTION OF MEDICAL  
12 MALPRACTICE JUDGMENTS FROM AN INDEPENDENT PROVIDER'S PERSONAL  
13 INCOME OR ASSETS, EXCEPT IN CERTAIN CASES; PROHIBITING  
14 PLAINTIFFS IN MEDICAL MALPRACTICE CASES FROM MAKING CERTAIN  
15 FRIVOLOUS ALLEGATIONS.

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

18 SECTION 1. A new section of Chapter 42, Article 10 NMSA  
19 1978 is enacted to read:

20 "[NEW MATERIAL] JUDGMENTS AGAINST INDEPENDENT PROVIDERS.--

21 A. A plaintiff who makes a medical malpractice  
22 claim pursuant to the Medical Malpractice Act shall not pursue,  
23 collect or execute on a judgment against the personal income of  
24 an independent provider or the personal assets owned by an  
25 independent provider if the court finds that the independent

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1 provider maintained:

2 (1) qualification under the provisions of the  
3 Medical Malpractice Act pursuant to Section 41-5-5 NMSA 1978;  
4 or

5 (2) an insurance policy with a policy limit  
6 sufficient to cover the applicable per-occurrence limit on  
7 recovery specified in Section 41-5-6 NMSA 1978.

8 B. The court may reduce or nullify a damage award  
9 if the court finds the plaintiff made allegations that:

10 (1) are irrelevant to the adjudication of the  
11 claims at issue;

12 (2) are made primarily to coerce or induce an  
13 independent provider to settle; or

14 (3) rely on an independent provider's personal  
15 income or assets.

16 C. For the purposes of this section, "independent  
17 provider" means a natural person who is a licensed physician,  
18 chiropractic physician, podiatric physician, certified  
19 registered nurse anesthetist, physician assistant, certified  
20 nurse practitioner, certified clinical nurse specialist or  
21 certified nurse-midwife who is not an employee of a hospital or  
22 an outpatient health care facility. "Independent provider"  
23 does not mean a person or an entity protected pursuant to the  
24 Tort Claims Act or the Federal Tort Claims Act."

25 SECTION 2. APPLICABILITY.--The provisions of this act

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1 apply to all medical malpractice claims brought on or after the  
2 effective date of this act.

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