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AN ACT
RELATING TO MEDICAL CARE; PROVIDING TORT COVERAGE UNDER THE
TORT CLAIMS ACT FOR CERTAIN HEALTH CARE PROVIDERS.

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

Section 1. Section 41-4-3 NMSA 1978 (being Laws 1976,
Chapter 58, Section 3, as amended) is amended to read:

"41-4-3. DEFINITIONS.--As used in the Tort Claims Act:

- A. "board" means the risk management advisory board;
- B. "governmental entity" means the state or any local public body as defined in Subsections C and H of this section;
- C. "local public body" means all political subdivisions of the state and their agencies, instrumentalities and institutions and all water and natural gas associations organized pursuant to Chapter 3, Article 28 NMSA 1978;
- D. "law enforcement officer" means a full-time salaried public employee of a governmental entity whose principal duties under law are to hold in custody any person accused of a criminal offense, to maintain public order or to make arrests for crimes, or members of the national guard when called to active duty by the governor;
- E. "maintenance" does not include:

1 (1) conduct involved in the issuance of a
2 permit, driver's license or other official authorization to
3 use the roads or highways of the state in a particular
4 manner; or

5 (2) an activity or event relating to a
6 public building or public housing project that was not
7 foreseeable;

8 F. "public employee" means an officer, employee or
9 servant of a governmental entity, excluding independent
10 contractors except for individuals defined in Paragraphs (7),
11 (8), (10) and (14) of this subsection, or of a corporation
12 organized pursuant to the Educational Assistance Act, the
13 Small Business Investment Act or the Mortgage Finance
14 Authority Act or a licensed health care provider, who has no
15 medical liability insurance, providing voluntary services as
16 defined in Paragraph (16) of this subsection and including:

17 (1) elected or appointed officials;

18 (2) law enforcement officers;

19 (3) persons acting on behalf or in service
20 of a governmental entity in any official capacity, whether
21 with or without compensation;

22 (4) licensed foster parents providing care
23 for children in the custody of the human services department,
24 corrections department or department of health, but not
25 including foster parents certified by a licensed child

1 placement agency;

2 (5) members of state or local selection
3 panels established pursuant to the Adult Community
4 Corrections Act;

5 (6) members of state or local selection
6 panels established pursuant to the Juvenile Community
7 Corrections Act;

8 (7) licensed medical, psychological or
9 dental arts practitioners providing services to the
10 corrections department pursuant to contract;

11 (8) members of the board of directors of the
12 New Mexico medical insurance pool;

13 (9) individuals who are members of medical
14 review boards, committees or panels established by the
15 educational retirement board or the retirement board of the
16 public employees retirement association;

17 (10) licensed medical, psychological or
18 dental arts practitioners providing services to the children,
19 youth and families department pursuant to contract;

20 (11) members of the board of directors of
21 the New Mexico educational assistance foundation;

22 (12) members of the board of directors of
23 the New Mexico student loan guarantee corporation;

24 (13) members of the New Mexico mortgage
25 finance authority;

1 (14) volunteers, employees and board members
2 of court-appointed special advocate programs;

3 (15) members of the board of directors of
4 the small business investment corporation; and

5 (16) health care providers licensed in New
6 Mexico who render voluntary health care services without
7 compensation in accordance with rules promulgated by the
8 secretary of health. The rules shall include requirements
9 for the types of locations at which the services are
10 rendered, the allowed scope of practice and measures to
11 ensure quality of care.

12 G. "scope of duty" means performing any duties
13 that a public employee is requested, required or authorized
14 to perform by the governmental entity, regardless of the time
15 and place of performance; and

16 H. "state" or "state agency" means the state of
17 New Mexico or any of its branches, agencies, departments,
18 boards, instrumentalities or institutions."

19 Section 2. EFFECTIVE DATE.--The effective date of the
20 provisions of this act is July 1, 2007. _____

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