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SENATE MEMORIAL 57

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

James G. Taylor

A MEMORIAL

REQUESTING THE SECRETARY OF HUMAN SERVICES AND THE
SUPERINTENDENT OF INSURANCE TO STUDY THE INCREASING COST OF
MEDICAL MALPRACTICE AND PROFESSIONAL LIABILITY INSURANCE FOR
HEALTH CARE PROVIDERS AND FACILITIES.

WHEREAS, medical malpractice and professional liability
insurance rates continue to rise in New Mexico despite the
limitations on recovery set forth in the Medical Malpractice
Act; and

WHEREAS, currently, there is no limitation on recovery for
liability of nursing facilities and health care providers that
are not covered by the Medical Malpractice Act, driving the
cost of medical malpractice and professional liability
insurance even higher for those practitioners and facilities;
and

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1 WHEREAS, nurses, nurse anesthetists, midwives, dentists
2 and other health care practitioners face such high medical
3 malpractice and professional liability insurance rates that the
4 premiums threaten the financial stability of their practice;
5 and

6 WHEREAS, long-term care facilities, nursing homes and
7 other health care facilities are required to pay increasingly
8 high malpractice and professional liability insurance rates,
9 and those premiums threaten the continued operation of those
10 facilities; and

11 WHEREAS, unsubstantiated claims against health care
12 providers and facilities contribute to the increase in medical
13 malpractice and professional liability insurance premiums; and

14 WHEREAS, according to the New Mexico health policy
15 commission, all but one county in the state has a shortage of
16 health care providers; and

17 WHEREAS, the health and welfare of the people of New
18 Mexico require availability of and access to health care
19 providers and facilities for all New Mexicans;

20 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
21 OF NEW MEXICO that the secretary of human services and the
22 superintendent of insurance be requested to assemble a task
23 force that includes representatives from the New Mexico health
24 care association, the New Mexico trial lawyers association, the
25 New Mexico defense lawyers association, the risk management

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1 division of the general services department, the insurance
2 industry, health care providers, health care facilities and
3 other relevant and interested parties; and

4 BE IT FURTHER RESOLVED that the task force be requested to
5 study how medical malpractice and professional liability
6 insurance can be made more affordable to health care providers
7 and facilities and to examine alternatives to current policies
8 on medical malpractice and professional liability insurance,
9 such as encouraging competition among insurers, providing
10 limitations on claims and stemming any abuse in the system; and

11 BE IT FURTHER RESOLVED that the task force be requested to
12 present its report and recommendations no later than November
13 2008 to the interim legislative committee that oversees the
14 judiciary and to the interim legislative committee that
15 oversees health and human services; and

16 BE IT FURTHER RESOLVED that copies of this memorial be
17 transmitted to the secretary of human services and the
18 superintendent of insurance.