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SENATE BILL 41

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Phil A. Griego

AN ACT

RELATING TO EDUCATION; AMENDING A SECTION OF THE PUBLIC SCHOOL  
INSURANCE AUTHORITY ACT TO PROVIDE FOR LIABILITY INSURANCE  
COVERAGE FOR HEALTH CARE STUDENT INTERNS.

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

**SECTION 1.** Section 22-29-7 NMSA 1978 (being Laws 1986,  
Chapter 94, Section 7, as amended) is amended to read:

"22-29-7. ~~AUTHORITY--DUTIES.~~--In order to effectuate the  
purposes of the Public School Insurance Authority Act, the  
authority has the power to:

A. enter into professional services and consulting  
contracts or agreements as necessary;

B. collect money and provide for the investment of  
the fund;

C. collect all current and historical claims and

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1 financial information necessary for effective procurement of  
2 lines of insurance coverage;

3 D. promulgate necessary rules, regulations and  
4 procedures for implementation of the Public School Insurance  
5 Authority Act;

6 E. by rule, establish a policy to be followed by  
7 participating members relating to the use of volunteers. The  
8 policy shall be distributed to participating members and posted  
9 upon the authority's web site;

10 F. by rule, establish a policy to be followed by  
11 participating members relating to the use of school facilities  
12 by private persons; provided that the policy shall relate only  
13 to liability and risk issues and shall not affect the rights  
14 and responsibilities of local school boards to determine how,  
15 when and by whom school district facilities are used. The  
16 policy shall be distributed to participating members and posted  
17 upon the authority's web site;

18 G. provide public liability coverage for health  
19 care liability of health care student interns currently  
20 enrolled in health care instructional programs provided by any  
21 member;

22 [~~G.~~] H. insure, by negotiated policy, self-  
23 insurance or any combination thereof, participating members  
24 against claims of bodily injury, personal injury or property  
25 damage related to the use of school facilities by private

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1 persons; provided that the coverage shall be subject to the  
2 following conditions:

3 (1) no more than one million dollars  
4 (\$1,000,000) shall be paid for each occurrence; and

5 (2) the coverage shall only apply if the  
6 participating member was following the policy adopted by the  
7 authority pursuant to Subsection F of this section;

8 [~~H.~~] I. negotiate new insurance policies covering  
9 additional or lesser benefits as determined appropriate by the  
10 authority, but the authority shall maintain all coverage levels  
11 required by federal and state law for each participating  
12 member. In the event it is practical to self-insure wholly a  
13 particular line of coverage, the authority may do so;

14 [~~F.~~] J. procure lines of insurance coverage in  
15 compliance with the provisions of the Health Care Purchasing  
16 Act and the competitive sealed proposal process of the  
17 Procurement Code; provided that any group medical insurance  
18 plan offered pursuant to this section shall include effective  
19 cost-containment measures to control the growth of health care  
20 costs. The board shall report annually by September 1 to  
21 appropriate interim legislative committees on the effectiveness  
22 of the cost-containment measures required by this subsection;  
23 and

24 [~~J.~~] K. purchase, renovate, equip and furnish a  
25 building for the board."

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