

1 SENATE MEMORIAL 108

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

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10 A MEMORIAL

11 REQUESTING A TASK FORCE TO STUDY MATTERS PERTAINING TO THE
12 MEDICAL MALPRACTICE ACT AND TO RECOMMEND APPROPRIATE AMENDMENTS
13 TO THE MEDICAL MALPRACTICE ACT TO MAKE AVAILABLE AFFORDABLE
14 MEDICAL PROFESSIONAL LIABILITY INSURANCE AND APPROPRIATE
15 INSURANCE RECOVERY FOR MEDICAL INJURY PATIENTS.

16
17 WHEREAS, the Medical Malpractice Act was enacted in 1976;
18 and

19 WHEREAS, the legislature amended the Medical Malpractice
20 Act in 1992 to increase the limit of liability from five
21 hundred thousand dollars (\$500,000) to six hundred thousand
22 dollars (\$600,000), to increase the underlying coverage from
23 one hundred thousand dollars (\$100,000) to two hundred thousand
24 dollars (\$200,000) and to allow the superintendent of insurance
25 to increase surcharges for the patient's compensation fund; and

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1 WHEREAS, twenty-four hospitals, fifty-three outpatient
2 facilities and almost double the number of health care
3 providers recently became qualified health care providers
4 pursuant to the Medical Malpractice Act; and

5 WHEREAS, options to resolve the inequities and ambiguities
6 of the current Medical Malpractice Act should be researched and
7 resolved, and appropriate revisions to the Medical Malpractice
8 Act should be presented to the legislature for consideration;

9 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
10 OF NEW MEXICO that the superintendent of insurance be requested
11 to convene a task force to recommend appropriate amendments to
12 the Medical Malpractice Act to make available affordable
13 medical professional liability insurance and appropriate
14 insurance recovery for medical injury patients; and

15 BE IT FURTHER RESOLVED that the task force be composed of
16 representatives of the New Mexico medical society, the New
17 Mexico hospital association, the New Mexico trial lawyers
18 association, the New Mexico defense lawyers association, the
19 New Mexico nurses association and the office of superintendent
20 of insurance; and

21 BE IT FURTHER RESOLVED that the office of superintendent
22 of insurance be requested to provide an actuary to prepare an
23 independent actuarial study of the patient's compensation fund
24 and make appropriate recommendations to increase surcharges if
25 necessary to make the fund actuarially sound; and

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underscoring material = new
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1 BE IT FURTHER RESOLVED that the office of superintendent
2 of insurance be requested to provide an actuary to assist the
3 task force in determining whether projected changes to the
4 limit of liability and other needed factors are necessary to
5 ensure affordable and available medical professional liability
6 insurance; and

7 BE IT FURTHER RESOLVED that the superintendent of
8 insurance be requested to staff and assist the task force in
9 preparing a preliminary report of findings, recommendations and
10 suggested legislative reforms to the governor and the
11 appropriate interim legislative committees by November 1, 2019,
12 with a final report to be issued by November 1, 2020, to the
13 governor and the appropriate interim legislative committees;
14 and

15 BE IT FURTHER RESOLVED that copies of this memorial be
16 transmitted to the governor, the superintendent of insurance,
17 the executive director of the New Mexico medical society, the
18 president of the New Mexico hospital association, the executive
19 director of the New Mexico nurses association, the executive
20 director of the New Mexico trial lawyers association and the
21 president of the New Mexico defense lawyers association.