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HOUSE BILL 1261

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

J. "ANDY" KISSNER

AN ACT

RELATING TO HEALTH CARE PROFESSIONALS; PROVIDING IMMUNITY FROM  
MALPRACTICE CLAIMS FOR SERVICES TO CERTAIN CHARITABLE  
ORGANIZATIONS.

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

Section 1. RETIRED HEALTH CARE PROFESSIONALS--IMMUNITY  
FROM LIABILITY--CHARITABLE SERVICES.--

A. A retired health care professional who provides  
health care services for a charitable organization without  
receiving anything of monetary value, other than reimbursement  
of actual out-of-pocket expenses, shall be immune from liability  
for professional errors and omissions within the scope of such  
services.

B. As used in this section:

(1) "charitable organization" means any trust,

Underscored material = new  
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1 nonprofit corporation or other form of legal entity that:

2 (a) has applied for or has received tax-  
3 exempt status under Section 503(c)(3) of the federal Internal  
4 Revenue Code; and

5 (b) does business in this state or holds  
6 property in this state for charitable purposes; and

7 (2) "retired health care professional" means an  
8 individual who has a valid current license in good standing to  
9 practice a health care profession pursuant to Chapter 61,  
10 Articles 2 through 5A, 6, 8 through 10, 11 or 14A NMSA 1978, and  
11 who is not engaged regularly in the practice of the profession  
12 for compensation.