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**SENATE BILL 84**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Richard M. Romero**

**AN ACT**

**RELATING TO WORKERS' COMPENSATION; ELIMINATING THE PERIOD  
OMBUDSMEN MUST WAIT BEFORE BEING EMPLOYED IN OTHER POSITIONS  
BY THE WORKERS' COMPENSATION ADMINISTRATION.**

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

**Section 1. Section 52-5-1.4 NMSA 1978 (being Laws 1990  
(2nd S.S.), Chapter 2, Section 64) is amended to read:**

**"52-5-1.4. OMBUDSMAN PROGRAM --**

**A. The director shall establish an ombudsman  
program to assist injured or disabled workers, persons  
claiming death benefits, employers and other persons in  
protecting their rights and obtaining information available  
under workers' compensation and occupational disease  
disablement laws.**

**B. An ombudsman shall meet with or otherwise**

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1 provide information to injured or disabled workers,  
2 investigate complaints and communicate with employers,  
3 insurance carriers and health care providers on behalf of  
4 injured or disabled workers. An ombudsman shall otherwise  
5 assist unrepresented claimants, employers and other parties to  
6 enable them to protect their rights in the workers'  
7 compensation and occupational disease disablement system. At  
8 least one specially qualified employee in each location that  
9 the administration has an office shall be designated by the  
10 director as an ombudsman, and duties described in this section  
11 shall be that person's primary responsibility. The director  
12 may designate additional ombudsmen and assign them as he deems  
13 appropriate.

14 C. An ombudsman need not be an attorney but shall  
15 demonstrate familiarity with workers' compensation and  
16 occupational disease disablement laws. ~~[Any person employed  
17 as an ombudsman shall be ineligible to hold any other position  
18 in the administration for at least five years from the date of  
19 leaving the position of ombudsman.]~~

20 D. An ombudsman shall not be an advocate for any  
21 person and shall restrict his activities to providing  
22 information and facilitating communication. An ombudsman  
23 shall not assist a claimant, employer or any other person in  
24 any proceeding beyond the informal conference held pursuant to  
25 Section 52-5-5 NMSA 1978.

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E. Each employer shall notify his employees of the  
ombudsman service in a manner prescribed by the director.  
[~~Such~~] This notice shall include the posting of a notice in  
one or more conspicuous places. The director shall also  
describe clearly the availability of the ombudsmen on the  
first report of accident form required under Section 52-1-58  
NMSA 1978, or the first report of disablement form required  
under Section 52-3-51 NMSA 1978. "