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HOUSE BILL 261

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Larry A. Larrañaga

AN ACT

RELATING TO WORKERS' COMPENSATION; AMENDING THE DEFINITION OF
"IMPAIRMENT".

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

SECTION 1. Section 52-1-24 NMSA 1978 (being Laws 1987,
Chapter 235, Section 10, as amended) is amended to read:

"52-1-24. IMPAIRMENT--DEFINITION.--As used in the
Workers' Compensation Act:

A. "impairment" means an anatomical or functional
abnormality existing after the date of maximum medical
improvement as determined by a medically or scientifically
demonstrable finding and based upon the most recent edition of
the American medical association's guide to the evaluation of
permanent impairment or comparable publications of the American
medical association on the date at which a worker reaches

underscored material = new
~~[bracketed material] = delete~~

underscoring material = new
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1 maximum medical improvement. "Impairment" includes physical
2 impairment, primary mental impairment and secondary mental
3 impairment;

4 B. "primary mental impairment" means a mental
5 illness arising from an accidental injury arising out of and in
6 the course of employment when the accidental injury involves no
7 physical injury and consists of a psychologically traumatic
8 event that is generally outside of a worker's usual experience
9 and would evoke significant symptoms of distress in a worker in
10 similar circumstances, but is not an event in connection with
11 disciplinary, corrective or job evaluation action or cessation
12 of the worker's employment; and

13 C. "secondary mental impairment" means a mental
14 illness resulting from a physical impairment caused by an
15 accidental injury arising out of and in the course of
16 employment."