

1 SENATE BILL 295

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Pete Campos

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10 AN ACT

11 RELATING TO HEALTH CARE; REQUIRING HEALTH CARE PROVIDERS TO
12 DISCLOSE ANY MEDICAL MALPRACTICE CLAIMS AGAINST THEM.

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

15 SECTION 1. [NEW MATERIAL] MEDICAL MALPRACTICE--MANDATORY
16 DISCLOSURE.--

17 A. A health care provider against which a medical
18 malpractice claim has been made shall disclose the fact and the
19 nature of that medical malpractice claim to any person that
20 requests that information and, if the matter has been resolved,
21 the outcome of that medical malpractice claim.

22 B. As used in this section:

23 (1) "health care provider" means any
24 individual who is licensed to provide health care in the
25 ordinary course of business or a health care facility where

.206004.1

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1 health care is provided in the ordinary course of business; and

2 (2) "medical malpractice claim" means any
3 cause of action arising in this state against a health care
4 provider for medical treatment, lack of medical treatment or
5 other claimed departure from accepted standards of health care
6 that proximately results in injury to the patient, whether the
7 patient's claim or cause of action sounds in tort or contract,
8 and includes actions based on battery or wrongful death.

9 "Medical malpractice claim" does not include a cause of action
10 arising out of the driving, flying or nonmedical acts involved
11 in the operation, use or maintenance of a vehicular or aircraft
12 ambulance.