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SENATE BILL 60

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Ron Adair

AN ACT

RELATING TO MEDICAL MALPRACTICE; AMENDING THE MEDICAL  
MALPRACTICE ACT TO INCLUDE CERTIFIED NURSE PRACTITIONER WITHIN  
THE DEFINITION OF "HEALTH CARE PROVIDER".

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

Section 1. Section 41-5-3 NMSA 1978 (being Laws 1976,  
Chapter 2, Section 3, as amended) is amended to read:

"41-5-3. DEFINITIONS. -- As used in the Medical  
Malpractice Act:

A. "health care provider" means a person,  
corporation, organization, facility or institution licensed or  
certified by this state to provide health care or professional  
services as a doctor of medicine, certified nurse  
practitioner, hospital, outpatient health care facility,  
doctor of osteopathy, chiropractor, podiatrist, nurse

underscored material = new  
[bracketed material] = delete

1 anesthetist or physician's assistant;

2 B. "insurer" means an insurance company engaged in  
3 writing health care provider malpractice liability insurance  
4 in this state;

5 C. "malpractice claim" includes any cause of  
6 action arising in this state against a health care provider  
7 for medical treatment, lack of medical treatment or other  
8 claimed departure from accepted standards of health care which  
9 proximately results in injury to the patient, whether the  
10 patient's claim or cause of action sounds in tort or contract,  
11 and includes but is not limited to actions based on battery or  
12 wrongful death; "malpractice claim" does not include a cause  
13 of action arising out of the driving, flying or nonmedical  
14 acts involved in the operation, use or maintenance of a  
15 vehicular or aircraft ambulance;

16 D. "medical care and related benefits" means all  
17 reasonable medical, surgical, physical rehabilitation and  
18 custodial services and includes drugs, prosthetic devices and  
19 other similar materials reasonably necessary in the provision  
20 of such services;

21 E. "patient" means a natural person who received  
22 or should have received health care from a licensed health  
23 care provider, under a contract, express or implied; and

24 F. "superintendent" means the superintendent of  
25 insurance of this state."