

1 SENATE JOINT MEMORIAL 23

2 **47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006**

3 INTRODUCED BY

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10 A JOINT MEMORIAL

11 REQUESTING THAT THE NEW MEXICO HEALTH POLICY COMMISSION APPOINT  
12 A TASK FORCE TO CONTINUE TO STUDY POSSIBLE LEGISLATIVE  
13 SOLUTIONS TO THE MALPRACTICE INSURANCE CRISIS FACING HEALTH  
14 CARE PRACTITIONERS AND PROVIDERS.

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16 WHEREAS, there is an escalating crisis in health care  
17 access due to skyrocketing malpractice insurance premiums for  
18 all types of health care practitioners and providers; and

19 WHEREAS, declining medicare and medicaid reimbursement  
20 rates affect every type of practitioner and provider, including  
21 physicians, advance practice nurses, hospitals, nursing homes  
22 and health care clinics; and

23 WHEREAS, practitioners and providers, including certified  
24 nurse-midwives, certified nurse practitioners, dentists,  
25 hospitals and others, must carry malpractice insurance

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1 coverage; and

2 WHEREAS, malpractice insurance coverage for certain  
3 categories of practitioners and certain types of services is  
4 not available; and

5 WHEREAS, many options and remedies have been identified  
6 that might address this escalating crisis, including adding all  
7 practitioners and providers to the Medical Malpractice Act,  
8 creating a joint underwriting association, stratifying  
9 malpractice insurance coverages, allowing practitioners and  
10 providers to purchase insurance through the risk management  
11 division of the general services department, creating  
12 additional patient compensation funds or self-insuring; and

13 WHEREAS, a task force, in response to Senate Memorial 7 of  
14 the forty-seventh legislature, first session, identified  
15 several promising approaches to address these problems and  
16 decided that additional information and data were necessary  
17 before specific recommendations could be made;

18 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
19 STATE OF NEW MEXICO that the New Mexico health policy  
20 commission be requested to appoint a task force to continue to  
21 address the malpractice insurance crisis; and

22 BE IT FURTHER RESOLVED that the task force be composed of  
23 representatives of the insurance industry; the insurance  
24 division of the public regulation commission; the governor's  
25 office; statewide associations that have members affected by

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1 this crisis and that represent obstetricians, family practice  
2 physicians, licensed midwives and nurse-midwives; dentists,  
3 hospitals, nursing homes and trial attorneys; academic  
4 professional leadership in the field of obstetrics and  
5 gynecology; and any other affected parties; and

6 BE IT FURTHER RESOLVED that the task force make  
7 recommendations on possible legislative solutions to the  
8 malpractice insurance crisis for all health care practitioners  
9 and providers to the interim legislative health and human  
10 services committee by November 2006; and

11 BE IT FURTHER RESOLVED that a copy of this memorial be  
12 transmitted to the director of the New Mexico health policy  
13 commission.

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