

A MEMORIAL

REQUESTING A STUDY OF THE EFFECTS OF REVISING THE LIMITATION OF RECOVERY IN THE MEDICAL MALPRACTICE ACT.

WHEREAS, the Medical Malpractice Act, in order to promote the health and welfare of the people of New Mexico by making available professional liability insurance for health care providers in New Mexico, provides for a limitation of the recovery available to persons that have been harmed by the negligence of health care providers qualifying under that act; and

WHEREAS, the limitation of recovery has not been revised since 1995; and

WHEREAS, the purchasing power of the limitation of recovery has steadily declined since 1995; and

WHEREAS, the existence, size and structure of the limitation of recovery have an effect on medically injured patients and on health care providers covered under the Medical Malpractice Act; and

WHEREAS, New Mexico needs to balance the goal of providing full and fair compensation to medically injured patients with the goal of attracting and retaining skilled health care providers in New Mexico; and

WHEREAS, improvements in the safe delivery of health care to New Mexicans is of paramount importance;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that a liaison committee composed of three members of the New Mexico medical society, three members of the New Mexico trial lawyers association, the superintendent of insurance and a member of the house of representatives appointed by the speaker of the house study the merits and effects of revising the limitation of recovery for malpractice claims under the Medical Malpractice Act; and

BE IT FURTHER RESOLVED that the liaison committee report its findings and recommendations to the legislative health and human services committee, the legislative courts, corrections and justice committee, the legislative finance committee, the department of health and the office of the governor; and

BE IT FURTHER RESOLVED that a copy of this memorial be transmitted to the insurance division of the public regulation commission.