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HOUSE MEMORIAL 25

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Elias Barela

A MEMORIAL

REQUESTING THE INSURANCE DIVISION OF THE PUBLIC REGULATION
COMMISSION TO STUDY 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

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

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

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

11 WHEREAS, the superintendent of insurance is required by
12 the Medical Malpractice Act to periodically perform an
13 actuarial study of the patient's compensation fund, the next
14 such study is due to be performed during 2007, and the scope of
15 such study may be expanded to include review and analysis of
16 various scenarios with regard to adjustment to the limitation
17 of recovery under the Medical Malpractice Act;

18 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
19 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the insurance
20 division of the public regulation commission be requested to
21 study the merits and effects of revising the limitation of
22 recovery for malpractice claims under the Medical Malpractice
23 Act; and

24 BE IT FURTHER RESOLVED that the insurance division of the
25 public regulation commission be authorized to request the

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1 assistance and advice of any parties that may be affected by or
2 be knowledgeable of the likely consequences of revisions of the
3 limitation of recovery for malpractice claims under the Medical
4 Malpractice Act; and

5 BE IT FURTHER RESOLVED that the insurance division of the
6 public regulation commission report its findings and
7 recommendations by November 1, 2007 to the legislative health
8 and human services committee, the legislative finance
9 committee, the department of health and the office of the
10 governor; and

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

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