

AN ACT

RELATING TO HEALTH; CREATING A BIRTHING WORKFORCE RETENTION FUND FOR ASSISTANCE WITH MALPRACTICE PREMIUMS FOR CERTIFIED NURSE-MIDWIVES AND PHYSICIANS WHO PROVIDE BIRTHING SERVICES TO LOW-INCOME NEW MEXICANS; MAKING AN APPROPRIATION.

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

Section 1. BIRTHING WORKFORCE RETENTION FUND CREATED.--

A. The "birthing workforce retention fund" is created in the state treasury. The purpose of the fund is to provide malpractice insurance premium assistance for certified nurse-midwives or physicians whose insurance premium costs jeopardize their ability to continue their obstetrics practices in New Mexico. The fund shall consist of appropriations, gifts, grants and donations to the fund. The fund shall be administered by the department of health, and money in the fund is appropriated to the department of health for the purpose of making awards pursuant to the provisions of this section.

B. The department of health shall develop procedures and rules for the application for and award of money from the birthing workforce retention fund, including criteria upon which to evaluate the need of the applicant and the merits of the application. The rules shall require that the applicant be a certified nurse-midwife licensed in New

Mexico or a physician licensed in New Mexico and that the applicant demonstrate need by showing that medicaid patients or indigent patients constitute at least one-half of the obstetric practice of the applicant and that malpractice insurance premiums have increased every year for two years. The certified nurse-midwife or physician shall have a malpractice liability insurance policy in force. Subject to availability of funds, an award shall not be less than five thousand dollars (\$5,000) and not more than ten thousand dollars (\$10,000) and shall be disbursed based on the percentage of medicaid patients or indigent patients seen in the practice. Priority for the awarding of money from the birthing workforce retention fund shall be in the following order:

- (1) to certified nurse-midwives; and
- (2) to family practice physicians and

obstetricians.

C. The department of health shall annually report to the legislative finance committee on the status of the birthing workforce retention fund.

D. Disbursements from the birthing workforce retention fund shall be made by warrant of the department of finance and administration pursuant to vouchers signed by the secretary of health or the secretary's authorized representative. Any unexpended or unencumbered balance

remaining in the fund at the end of a fiscal year shall not  
revert but shall remain to the credit of the fund.                     

Page 3

HB 167