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HOUSE BILL 148

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Keith J. Gardner

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO HEALTH CARE; CREATING THE OBSTETRICS ADMINISTRATIVE  
COMPENSATION SYSTEM TASK FORCE TO DESIGN A COMPREHENSIVE PLAN  
FOR IMPLEMENTING AN OBSTETRICS ADMINISTRATIVE COMPENSATION  
SYSTEM; MAKING AN APPROPRIATION.

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

Section 1. OBSTETRICS ADMINISTRATIVE COMPENSATION SYSTEM  
TASK FORCE CREATED--DUTIES.--

A. By July 1, 2009, the New Mexico health policy  
commission shall convene an obstetrics administrative  
compensation system task force to devise a comprehensive plan  
for the creation, design and implementation of an obstetrics  
administrative compensation system to hear and determine claims  
regarding birth-related injuries. The commission shall  
collaborate with the department of health, the human services

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1 department, the insurance division of the public regulation  
2 commission, the workforce solutions department, persons with  
3 legal expertise and any other commissions, departments,  
4 agencies, authorities, organizations and persons necessary to  
5 provide appropriate expertise to devise the comprehensive plan.

6 B. By July 1, 2010, the obstetrics administrative  
7 compensation system task force shall report its comprehensive  
8 plan to the legislative health and human services committee and  
9 the legislative finance committee.

10 C. The comprehensive plan shall include the  
11 following factors:

12 (1) the type of entity that will administer  
13 the obstetrics administrative compensation system, and whether  
14 it will be an existing agency or a new agency;

15 (2) whether the obstetrics administrative  
16 compensation system will provide the exclusive remedy to  
17 claimants or whether claimants will also have access to claims  
18 at common law or as otherwise provided by law;

19 (3) whether the obstetrics administrative  
20 compensation system will provide compensation to claimants that  
21 it has determined eligible regardless of fault or where fault  
22 lies;

23 (4) the types of injuries for which claims  
24 will be administered through the obstetrics administrative  
25 compensation system, whether the obstetrics administrative

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1 compensation system will limit claims to those relating to  
2 neurological birth-related injuries or whether it will hear and  
3 determine claims related to other birth-related injuries; and

4 (5) whether a fund will be created for the  
5 obstetrics administrative compensation system or whether an  
6 existing fund will be used and the location of the fund.

7 Section 2. APPROPRIATION.--Seventy-five thousand dollars  
8 (\$75,000) is appropriated from the general fund to the New  
9 Mexico health policy commission for expenditure in fiscal year  
10 2010 to convene an obstetrics administrative compensation  
11 system task force to devise a comprehensive plan for the  
12 creation, design and implementation of an obstetrics  
13 administrative compensation system. Any unexpended or  
14 unencumbered balance remaining at the end of fiscal year 2010  
15 shall revert to the general fund.

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