

1 SENATE BILL 469

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 John C. Ryan

5
6
7
8
9
10 AN ACT

11 RELATING TO MEDICAL MALPRACTICE; SPECIFYING VENUE FOR MEDICAL
12 MALPRACTICE LAWSUITS FILED ON OR AFTER JULY 1, 2013.

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. DEFINITIONS.--As used in Sections 1 through 3
16 of this act:

17 A. "health care provider" means a person providing
18 health care services of any type and includes an entity that
19 provides such services or who employs individuals who provide
20 such services, and its parent entity if its principal place of
21 business is located in this state;

22 B. "medical malpractice lawsuit" means any legal
23 proceeding alleging a cause of action arising in this state
24 against a health care provider for medical treatment, lack of
25 medical treatment or other claimed departure from accepted

.191322.1

underscoring material = new
~~[bracketed material] = delete~~

underscoring material = new
~~[bracketed material] = delete~~

1 standards of health care that proximately results in injury to
2 the patient, whether the patient's cause of action sounds in
3 tort or contract, including actions based on battery, wrongful
4 death, unfair trade practices or negligent hiring, supervision,
5 training, retention or credentialing and excluding a cause of
6 action arising out of nonmedical acts related to the operation,
7 use or maintenance of a vehicular or aircraft ambulance; and

8 C. "patient" means a natural person who received or
9 should have received health care from a health care provider.

10 SECTION 2. VENUE FOR MEDICAL MALPRACTICE LAWSUIT.--A

11 medical malpractice lawsuit shall be brought in:

12 A. the county in which the patient received medical
13 treatment that is the basis for the medical malpractice
14 lawsuit; or

15 B. the county in which the principal place of
16 business of a health care provider, or any one of the health
17 care providers if there is more than one, is located at the
18 time the medical malpractice lawsuit is filed.

19 SECTION 3. NO VENUE BASED UPON RESIDENCE OF PATIENT'S
20 REPRESENTATIVE.--Venue shall not be expanded by the appointment
21 of any person bringing suit by or on behalf of a patient or a
22 patient's estate, including a parent, family member, next
23 friend, guardian, conservator or personal representative. The
24 place of residence of any such person shall not be used to
25 determine venue under Section 2 of this act.

.191322.1

underscoring material = new
~~[bracketed material] = delete~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SECTION 4. APPLICABILITY.--The provisions of this act
apply to medical malpractice lawsuits filed on or after July 1,
2013.