

HOUSE BILL 270

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

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This document incorporates committee amendments adopted during standing committee(s) consideration of this measure. It is a tool to show the amendments in context and is not to be used for introduction, amendment or substitution.

AN ACT

RELATING TO HEALTH CARE PROFESSIONAL LIABILITY; ENSURING ACCESS TO OUT-OF-STATE HEALTH CARE PROVIDERS; BARRING ACTIONS ARISING OUT OF SERVICES RENDERED BY A HEALTH CARE PROVIDER THAT IS LICENSED, REGISTERED, CERTIFIED OR OTHERWISE AUTHORIZED TO PROVIDE SERVICES IN ANOTHER JURISDICTION FOR CARE PROVIDED OUT OF STATE.

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

SECTION 1. A new section of Chapter 41 NMSA 1978 is enacted to read:

"[NEW MATERIAL] PURPOSE.--The purpose of this 2016 act is to ensure that New Mexicans who need **or decide** to seek health care outside New Mexico will continue to have access to out-of-state health care providers by:

A. requiring New Mexicans who have received health care outside New Mexico and who believe that they have been

.203386.1 Amendments in Context

underscored material = new
[bracketed material] = delete
~~language deleted~~ = deleted by amendment
New amended language = new by amendment

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harmed to bring their claims in the jurisdiction where the services were rendered; and

B. not expanding the liability of an out-of-state health care provider beyond that provided by the laws of the state where the health care provider rendered the services to a patient from New Mexico."

SECTION 2. A new section of Chapter 41 NMSA 1978 is enacted to read:

"[NEW MATERIAL] CERTAIN HEALTH CARE PROFESSIONAL LIABILITY ACTIONS BARRED.--

A. A court shall not have jurisdiction over any civil action against a health care provider for medical treatment, lack of medical treatment or other claimed departure from accepted standards of health care that proximately results in injury to a patient, whether the claim or cause of action sounds in tort or in contract, including actions based on battery or wrongful death if:

(1) the health care provider is not licensed, registered, certified or otherwise authorized to provide health care services in this state;

(2) the acts or omissions of the health care provider that proximately caused such injury occurred outside the state and in a jurisdiction other than New Mexico in which the health care provider is licensed, registered, certified or otherwise authorized to provide health care services; and

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(3) a civil action for damages arising from such injury could have been brought in the state where the acts or omissions of the health care provider that proximately caused such injury occurred, if relief had been timely sought.

B. As used in Sections 1 and 2 of this 2016 act, "health care provider" means:

(1) a person licensed, registered, certified or otherwise authorized to provide health care services pursuant to the laws of a state;

(2) a hospital, outpatient facility, diagnostic treatment center, rehabilitation center, community mental health center, residential treatment center, hospice or home health agency licensed or otherwise authorized to provide health care services pursuant to the laws of a state;

(3) a person that owns, operates or manages a health care provider or group of health care providers; or

(4) the employees, officers, agents and governing board members of a health care provider or group of health care providers."

SECTION 3. APPLICABILITY.--The provisions of this act apply to claims arising out of acts or omissions occurring on or after the effective date of this act.

SECTION 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2016.