

The Legislature
of the
State of New Mexico

52nd Legislature, 1st Session

LAWS 2015

CHAPTER 59

HOUSE BILL 171

Introduced by

REPRESENTATIVE YVETTE HERRELL



CHAPTER 59

AN ACT

RELATING TO HEALTH CARE; AMENDING A SECTION OF THE MEDICAL MALPRACTICE ACT TO ESTABLISH CERTAIN CONDITIONS FOR BIRTHING WORKFORCE RETENTION FUND AWARDS.

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

SECTION 1. Section 41-5-26.1 NMSA 1978 (being Laws 2008, Chapter 73, Section 1) is amended to read:

"41-5-26.1. 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

1 the merits of the application. The rules shall require that
2 the applicant be a certified nurse-midwife licensed in New
3 Mexico or a physician licensed in New Mexico and that the
4 applicant demonstrate need by showing that medicaid patients
5 or indigent patients constitute at least one-half of the
6 obstetric practice of the applicant. The certified nurse-
7 midwife or physician shall have a malpractice liability
8 insurance policy in force. Subject to availability of funds,
9 an award shall not be less than five thousand dollars (\$5,000)
10 and not more than ten thousand dollars (\$10,000). An award
11 shall be disbursed based on the percentage of medicaid
12 patients or indigent patients seen in the practice and on the
13 certified nurse-midwife's or the physician's intent to
14 continue obstetrics practice in New Mexico during the period
15 covered by the award. An award shall not be granted to
16 provide premium assistance for tail coverage purchased upon
17 practice termination. Priority for the awarding of money from
18 the birthing workforce retention fund shall be in the
19 following order:


- 20 (1) to certified nurse-midwives; and
- 21 (2) to family practice physicians and
22 obstetricians.

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


DON TRIPP, SPEAKER
HOUSE OF REPRESENTATIVES


DENISE RAMONAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES


JOHN A. SANCHEZ, PRESIDENT
SENATE


LENORE M. NARANJO, CHIEF CLERK
SENATE

Approved by me this ^{or} 7th day of April, 2015


SUSANA MARTINEZ, GOVERNOR
STATE OF NEW MEXICO