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HOUSE BILL 143

**51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

INTRODUCED BY

Thomas C. Taylor

AN ACT

RELATING TO MEDICAL MALPRACTICE; ADDING "CERTIFIED NURSE PRACTITIONER" TO THE DEFINITION OF "HEALTH CARE PROVIDER" IN THE MEDICAL MALPRACTICE ACT.

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

**SECTION 1.** Section 41-5-3 NMSA 1978 (being Laws 1976, Chapter 2, Section 3, as amended) is amended to read:

"41-5-3. DEFINITIONS.--As used in the Medical Malpractice Act:

A. "health care provider" means a person, corporation, organization, facility or institution licensed or certified by this state to provide health care or professional services as a doctor of medicine, hospital, outpatient health care facility, doctor of osteopathy, chiropractor, podiatrist, nurse anesthetist, certified nurse practitioner or physician's

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underscoring material = new  
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1 assistant;

2 B. "insurer" means an insurance company engaged in  
3 writing health care provider malpractice liability insurance in  
4 this state;

5 C. "malpractice claim" includes any cause of action  
6 arising in this state against a health care provider for  
7 medical treatment, lack of medical treatment or other claimed  
8 departure from accepted standards of health care ~~[which]~~ that  
9 proximately results in injury to the patient, whether the  
10 patient's claim or cause of action sounds in tort or contract,  
11 and includes but is not limited to actions based on battery or  
12 wrongful death; "malpractice claim" does not include a cause of  
13 action arising out of the driving, flying or nonmedical acts  
14 involved in the operation, use or maintenance of a vehicular or  
15 aircraft ambulance;

16 D. "medical care and related benefits" means all  
17 reasonable medical, surgical, physical rehabilitation and  
18 custodial services and includes drugs, prosthetic devices and  
19 other similar materials reasonably necessary in the provision  
20 of such services;

21 E. "patient" means a natural person who received or  
22 should have received health care from a licensed health care  
23 provider, under a contract, express or implied; and

24 F. "superintendent" means the superintendent of  
25 insurance of this state."

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