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AN ACT

RELATING TO HEALTH CARE PROFESSIONAL LIABILITY; ENFORCING
EXCLUSIVE FORUM SELECTION AND CHOICE OF LAW PROVISIONS IN
CERTAIN HEALTH CARE PROVIDER CONTRACTS.

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:

"EXCLUSIVE FORUM SELECTION AND CHOICE OF LAW PROVISIONS
IN HEALTH CARE PROVIDER CONTRACTS--ENFORCEMENT.--

A. Exclusive forum selection and choice of law
provisions regarding claims or civil actions 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, shall be enforced by the courts of this
state.

B. As used in this section, "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,

1 diagnostic treatment center, rehabilitation center, community
2 mental health center, residential treatment center, hospice
3 or home health agency licensed or otherwise authorized to
4 provide health care services pursuant to the laws of a state;

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

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

10 SECTION 2. DELAYED REPEAL.--Section 1 of this act is
11 repealed effective July 1, 2019.

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

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

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