

NMFAM Legislative Guide for HB99

Medical Malpractice Changes

Included:

- Simplified Breakdown of the Bill pg. 2
 - *A plain-language explanation of what the bill does, section by section, written to quickly clarify intent, scope, and real-world impact without legal jargon.*
- Messaging & Fact Tool (*Helpful to Legislators*) pg. 6
 - *Key talking points paired with supporting facts and data to help legislators clearly and confidently explain their position in committee, on the floor, or with constituents.*
- Likely Opposition Arguments—& How to Respond (*for Legislators*) pg. 9
 - *A brief overview of the most common arguments in opposition of the bill, along with concise, factual rebuttals legislators can use in debate or media interviews.*
- Messaging for Action Items & Socials pg. 12
 - *Ready-to-use language for action alerts, social media, and constituent outreach that clearly communicates the issue and drives timely engagement.*

HB 99 – Simplified Breakdown

The Problem: Why Doctors Are Leaving New Mexico

New Mexico is facing a growing healthcare crisis — and it's not because doctors don't want to care for patients.

It's because our current medical malpractice system is **unstable, unpredictable, and risky** for providers.

Across the state, doctors — especially specialists and rural providers — are leaving or choosing not to practice in New Mexico. One major reason is the **high cost and uncertainty of medical liability**.

Under the current system:

- Lawsuits can escalate quickly, even when care was appropriate
- The threat of excessive damages pushes doctors to settle out of fear
- Malpractice insurance costs are rising
- Doctors practice “defensive medicine” instead of patient-centered care
- Rural hospitals and clinics struggle to recruit and retain providers

When doctors leave, **patients pay the price** — longer wait times, fewer specialists, and reduced access to care, especially outside major cities.

Understanding the Patient Compensation Fund

To understand HB 99, it helps to understand how New Mexico's medical malpractice system is supposed to work.

New Mexico has something called the **Patient Compensation Fund**.

The Patient Compensation Fund is a safety net — paid for by doctors and medical facilities, not taxpayers.

Here's how it works:

1. Doctors are required to carry malpractice insurance and are personally responsible for claims up to a set amount.
2. Doctors and medical facilities also pay annual surcharges into the Patient Compensation Fund.

3. When a malpractice case involves catastrophic injury or long-term medical needs, the fund helps cover those costs after the provider's required coverage is used.

The goal of the fund is simple:

- Make sure **patients receive ongoing medical care**
- Protect doctors from being financially ruined by one case
- Keep healthcare providers practicing in New Mexico

When the fund is unstable or misused, insurance costs rise — and doctors leave.

What's Broken in the Current System

While the fund was created with good intentions, problems have developed:

- **Punitive damages** can be threatened early in lawsuits, even before evidence is fully established
- Large, lump-sum payouts can drain the fund quickly
- Rules about who is responsible — doctors, hospitals, outpatient facilities — are confusing
- The system encourages lawsuits driven by fear rather than fairness

This uncertainty makes New Mexico a risky place to practice medicine.

How HB 99 Fixes the System

HB 99 doesn't take away patient rights.

Instead, it strengthens the system so it works as intended — protecting patients *and* keeping doctors here.

1. It protects patients' access to medical care

- There is **no cap on past or future medical expenses**
- Patients continue to receive full compensation for the care they need

Care always comes first.

2. It strengthens the Patient Compensation Fund

HB 99 requires the fund to:

- Pay medical expenses **as they are incurred**, instead of all at once
- Avoid being used for punitive damages
- Operate more predictably and responsibly

This keeps the fund healthy long-term — which protects patients and stabilizes insurance costs.

3. It sets fair, common-sense limits on punitive damages

Punitive damages are meant for truly extreme cases.

HB 99:

- Raises the legal standard so punitive damages require **clear and convincing evidence**
- Prevents punitive damages from being added automatically at the start of a lawsuit
- Ensures punitive damages are paid by the provider — not the patient fund

This discourages abusive litigation while preserving accountability.

4. It gives doctors clear rules and predictable liability

HB 99 clarifies:

- Who qualifies as a hospital
- Who is an independent provider
- Who is responsible for what in a malpractice claim

Clear rules reduce fear, confusion, and unnecessary lawsuits.

Why HB 99 Matters for New Mexico Families

When doctors feel supported and protected by a fair system:

- More doctors stay in New Mexico

- Rural and underserved areas retain access to care
- Insurance costs stabilize
- Patients get timely, quality medical treatment

HB 99 is about protecting healthcare access — not just for today, but for the future of New Mexico.

Bottom Line

HB 99 is a critical step toward fixing a broken system.

It:

- Protects patients' medical care
- Strengthens the Patient Compensation Fund
- Brings fairness and predictability to malpractice law
- Helps keep doctors practicing in New Mexico

A stable medical liability system means a healthier New Mexico — for doctors, patients, and families alike.

HB 99 – Messaging & Fact Tool

Core Message

HB 99 strengthens New Mexico's medical malpractice system by protecting patient care, stabilizing the Patient Compensation Fund, and creating fair, predictable rules that help keep doctors practicing in New Mexico.

Key Talking Points

1. New Mexico is losing doctors — and patients are paying the price

- Doctors are leaving NM due to high liability risk and rising malpractice costs.
- Rural communities and specialty care are especially affected.
- Fewer doctors means longer wait times and reduced access to care.

HB 99 addresses one of the biggest drivers of this problem: an unstable malpractice system.

2. HB 99 protects patients' medical care

- There is **no cap on past or future medical expenses**.
- Patients continue to receive full compensation for needed care.
- Long-term and catastrophic care remains fully covered.

This bill does not limit medical treatment — it protects it.

3. The Patient Compensation Fund is NOT taxpayer-funded

- The fund is paid for by **doctors and medical facilities**, not taxpayers.
- Doctors must carry malpractice insurance and pay annual surcharges into the fund.
- The fund exists to ensure patients are cared for in serious cases.

HB 99 strengthens the fund so it can keep doing its job.

4. HB 99 fixes how the fund pays claims

- Medical expenses are paid **as they are incurred**, not in large lump sums.
- This protects the fund from being drained unpredictably.
- A stable fund helps control insurance costs.

A healthier fund means more doctors can afford to practice in NM.

5. HB 99 creates fair limits on punitive damages

- Punitive damages are only allowed with **clear and convincing evidence** of extreme misconduct.
- They cannot be claimed automatically at the start of a lawsuit.
- Punitive damages are **never paid from the patient fund**.

This discourages abusive lawsuits while preserving accountability.

6. HB 99 brings clarity and predictability

- Clearly defines who qualifies as a hospital, outpatient facility, or independent provider.
- Reduces confusion and unnecessary litigation.
- Gives doctors clear expectations before they treat patients.

Clear rules help doctors focus on care — not courtrooms.

Fast Facts (Quick Reference)

- No cap on medical care costs
- Funded by doctors and facilities — not taxpayers
- Punitive damages require strong evidence
- Patient Compensation Fund protected from misuse
- Helps retain doctors, especially in rural NM

Myths vs. Facts

MYTH: HB 99 protects bad doctors

FACT: HB 99 still allows lawsuits and punitive damages — it simply requires real evidence and prevents abuse.

MYTH: HB 99 limits what injured patients can receive

FACT: There is **no limit** on medical care, now or in the future.

MYTH: Taxpayers pay for malpractice claims

FACT: The Patient Compensation Fund is paid for by doctors and medical facilities, not taxpayers.

MYTH: This bill only helps hospitals

FACT: HB 99 helps patients by keeping doctors practicing and protecting access to care statewide.

Short Quotes / Soundbites (Media-Ready)

- “HB 99 protects patients while creating fair rules that keep doctors in New Mexico.”
- “This bill strengthens the Patient Compensation Fund so it can do what it was meant to do — care for patients.”
- “You can’t have access to healthcare if doctors can’t afford to practice here.”
- “HB 99 is about stability, fairness, and protecting care for New Mexico families.”

Bottom-Line Message

HB 99 is a critical step toward stabilizing New Mexico’s healthcare system — protecting patients today and ensuring doctors are still here tomorrow.

HB 99 – Likely Opposition Arguments & How to Respond

Opposition Claim #1: “HB 99 protects bad doctors.”

Response:

HB 99 does **not** protect bad doctors. It preserves full accountability.

- Patients can still sue for malpractice.
- There is **no cap on medical care costs** — patients receive all necessary treatment.
- Punitive damages are still allowed when there is **clear evidence of truly reckless or malicious behavior**.

What HB 99 prevents is the **automatic threat of punitive damages** before evidence is established. This ensures punishment is based on facts — not fear.

Bottom line:

HB 99 promotes accountability **with fairness**, not immunity.

Opposition Claim #2: “This bill takes away patients’ rights.”

Response:

HB 99 does not take away patients’ rights — it protects their access to care.

- Patients retain the right to sue.
- Medical expenses are **fully recoverable with no limit**.
- Long-term and catastrophic care remains protected through the Patient Compensation Fund.

When doctors leave New Mexico, patients lose access to care. HB 99 helps keep doctors here so patients can actually receive treatment.

Bottom line:

You can’t protect patient rights if patients can’t find a doctor.

Opposition Claim #3: “Punitive damages are necessary to hold doctors accountable.”

Response:

Punitive damages are meant for **extreme misconduct**, not medical mistakes.

HB 99:

- Raises the standard to require **clear and convincing evidence**
- Prevents punitive damages from being used as a pressure tactic early in lawsuits
- Ensures punitive damages are paid by the provider — not the patient fund

This preserves accountability while discouraging abuse of the legal system.

Bottom line:

HB 99 ensures punishment fits proven misconduct — not allegations.

Opposition Claim #4: “This is about saving money for hospitals, not helping patients.”

Response:

HB 99 is about **system stability**, not profit.

- The Patient Compensation Fund exists to ensure patients receive care in serious cases.
- The fund is **not taxpayer-funded** — doctors and facilities pay into it.
- HB 99 strengthens the fund so it can continue paying for patient care long-term.

An unstable fund leads to higher insurance costs, fewer doctors, and reduced access to care.

Bottom line:

A stable system benefits patients first.

Opposition Claim #5: “The Patient Compensation Fund is a bailout.”

Response:

The Patient Compensation Fund is **not a bailout**.

- It is funded by **doctors and medical facilities**, not taxpayers.
- Doctors must still carry malpractice insurance and pay personally up to their required limits.
- The fund only applies to large, catastrophic cases to ensure patients receive ongoing care.

HB 99 protects the fund from misuse so it remains available for patients who truly need it.

Bottom line:

The fund is a patient safety net — not a free pass.

Opposition Claim #6: “Doctors leaving NM is exaggerated.”**Response:**

Healthcare workforce shortages are real — especially in rural and specialty care.

- Malpractice risk and insurance costs are major factors in where doctors choose to practice.
- States with unstable liability systems struggle to recruit and retain providers.
- When doctors leave, communities lose access to care — sometimes entirely.

HB 99 addresses one of the most cited reasons doctors avoid or leave New Mexico.

Bottom line:

Keeping doctors here is essential to protecting healthcare access statewide.

Key Reframing Message (Use When Debates Get Heated)

HB 99 is not about choosing doctors over patients — it’s about creating a system where patients can actually see a doctor.

Closing Thought for Advocates

HB 99 strengthens accountability, protects patient care, and stabilizes a system that is pushing doctors out of New Mexico.

This bill is a necessary step toward a healthier healthcare system — for today and for future generations.

HB 99 – Messaging for Action Alerts & Social Media

Action Alert Messaging (Website / Email / Text)

Headline Options

- **Protect Patient Care. Keep Doctors in New Mexico. Support HB 99.**
- **HB 99: A Critical Step to Stabilize New Mexico Healthcare**
- **Patients Need Doctors. Doctors Need Fair Rules. Support HB 99.**

Action Alert Body Copy (Primary Version)

New Mexico is facing a growing healthcare crisis. Doctors are leaving our state — especially in rural communities — because our medical malpractice system is unpredictable, costly, and unstable.

HB 99 is a critical step toward fixing that.

This bill:

- Protects patients by making sure medical care **related to a malpractice injury is fully covered.**
- Strengthens the **Patient Compensation Fund**, which is paid for by doctors — not taxpayers
- Sets fair, common-sense standards for punitive damages
- Brings clarity and stability to a system that is driving doctors away

When doctors leave, patients lose access to care.

HB 99 helps keep doctors practicing in New Mexico so families can get the care they need.

👉 **Take action today. Contact your legislator and urge them to support HB 99.**

Ultra-Short Action Alert Version (for text or tight spaces)

Doctors are leaving NM because our malpractice system is unstable.

HB 99 protects patient care, strengthens the Patient Compensation Fund, and helps

keep doctors here.

 Contact your legislator and support HB 99 today.

Social Media Messaging

Short Social Captions (Facebook / Instagram / X)

Option 1 – Patient-Focused

Patients can't get care if doctors can't afford to practice here.

HB 99 protects patient care and helps keep doctors in New Mexico.

Take action today. 

Option 2 – Fund Education

Did you know NM's Patient Compensation Fund is paid for by doctors — not taxpayers?

HB 99 strengthens the fund so patients get care and doctors can stay.

Support HB 99.

Option 3 – Simple & Strong

Healthcare access depends on doctors staying in New Mexico.

HB 99 brings fairness, stability, and patient protection to our malpractice system.

Reel / Short Video Script (30–45 seconds)

Hook:

“New Mexico is losing doctors — and that affects every family.”

Middle:

“Our medical malpractice system is unstable. Lawsuits are unpredictable, insurance costs are high, and doctors are choosing to leave — especially in rural areas.

HB 99 fixes this by protecting patient care, strengthening the Patient Compensation Fund — which is paid for by doctors, not taxpayers — and creating fair rules so accountability is based on evidence, not fear.”

Close / CTA:

“When doctors stay, patients win.

Support HB 99 and help protect healthcare access in New Mexico.”

Hashtags / Tags

- #HB99
- #ProtectPatientCare
- #KeepDoctorsInNM
- #NMHealthcare
- #PatientsAndProviders

One-Line CTA Options (Use Anywhere)

- **Support HB 99 — because patients need doctors, and doctors need fair rules.**
- **HB 99 protects care today and access tomorrow.**
- **Strong healthcare systems keep doctors here. Support HB 99.**