

SUMMARY OF HOUSE BILL 270 NEW MEXICO ACT TO ENSURE ACCESS TO OUT OF STATE CARE

Effective Date-Applies to acts or omissions occurring after July 1, 2016.

Purpose-A) To insure that New Mexicans continue to be able to receive health care outside the borders of New Mexico.

B) Requires courts in New Mexico to enforce choice of law provisions and forum selection provisions in agreements with out of state health care providers.

Provisions of HB 270-HB 270 provides that exclusive forum selection and choice of law provisions regarding claims or civil action against a **health care provider** for medical treatment, lack of medical treatment or other claimed departure from accepted standards of health care **shall** be enforced by the courts of New Mexico.

Applicability-Many states have different definitions of health care providers. The term “**health care provider**” as used in HB 270 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, rehabilitations 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.

In some ways, the definition of “**health care provider**” is broader than the definition contained in HB 4 since the **health care provider** only must be **authorized** to provide health care in HB 270 as opposed to “licensed, certified, registered or chartered” as contained in HB 4.

How to Benefit from Statute-In order for a Texas health care provider to benefit from the statute, it will be necessary for the health care provider to have in its agreement with the patient a choice of law and choice of forum provision. If the agreement with the patient does not contain such a provision, then HB 270 will not apply.

Expiration Date-By its terms, the HB 270 will be repealed on July 1, 2019.