

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Superintendent of Insurance, in his capacity as Custodian of the New Mexico Patient's Compensation Fund ("Custodian"), proposes to repeal and replace Parts 1 and 2 of 13.21 NMAC, amend Parts 3 and 4 of 13.21 NMAC, and adopt a new Part 5 of 13.21 NMAC.

PURPOSE OF THE PROPOSED ACTIONS: The purpose of this rulemaking is to bring the current Patient's Compensation Fund ("PCF") rules into conformity with the House Bill 75 amendments to the New Mexico Medical Malpractice Act that were adopted in the Regular Session of the 2021 Legislature.

STATUTORY AUTHORITY: Section 41-5-25 NMSA 1978.

Copies of the proposed rule will be available on the PCF Website or the New Mexico Sunshine Portal, or by contacting Melissa Gutierrez at melissa.gutierrez@state.nm.us.

OSI will hold a public video/telephonic hearing on the proposed replacements, amendments, and new rules on October 18, 2021 at 9:00 a.m.

Join via Video: <https://us02web.zoom.us/j/2916274744>

Join via telephone: 1 312 626 6799 Meeting ID: 2916274744

The Custodian designates Robert Desiderio as hearing officer for this rulemaking. Mr. Desiderio will accept oral comments at the video/telephonic hearing from members of the public and any interested parties.

Written comments and proposals will be accepted through 4:00 pm on October 18, 2021. Responses to written comments or oral comments will be accepted through 4:00 pm on October 28, 2021. Comments may be submitted via email to Freya.tschantz2@state.nm.us or may be filed by sending original copies to:

Freya Tschantz, PCF Records and Docketing,
1120 Paseo de Peralta, P.O. Box 1689, Santa Fe, NM 87504-1689

Docket No.: 21-0005-PCF

IN THE MATTER OF ADOPTION OF RULES FOR THE PATIENT'S COMPENSATION FUND

Only signed statements, proposals, or comments will be accepted. Scanned or electronic signatures conforming to federal and state court requirements will be accepted with the understanding that if there is any dispute regarding a signature, OSI reserves the right to require that original signatures be provided to verify the electronic signature.

SPECIAL NEEDS: Any person with a disability who needs a reader, amplifier, qualified sign language interpreter, or other auxiliary aid or service to attend or participate in the hearing should contact Melissa Gutierrez at 505-476-0333 at least ten (10) business days prior to the hearing.

The Custodian will consider all oral comments and will review all timely submitted written comments and responses.

ISSUED this 14th day of September, 2021
/S/RUSSELL TOAL