

House GOP lays out legislative priorities, including medical malpractice changes

By Daniel J. Chacón | Jan 13, 2025



From left to right, Minority Whip Alan Martinez of Bernalillo, Minority Leader Gail Armstrong of Magdalena and House GOP caucus Chair Rebecca Dow of Truth or Consequences during a news conference Monday.

Daniel J. Chacón/The New Mexican

ALBUQUERQUE — Leaders of the House Republican caucus on Monday vowed to pursue “commonsense solutions” during the 60-day session that starts next week, including what promises to be a contentious push to reduce payout caps for lawsuits under the state’s medical malpractice law.

House Republican Leader Gail Armstrong of Magdalena said a 2021 overhaul of the Medical Malpractice Act that raised the caps has sparked an exodus of primary care providers who have been grappling with exorbitant insurance costs.

“If you go to any room and sit in any room where you have an audience, the doctors are just screaming from the top of their lungs that this is the issue,” she said.

“We do not have a doctor problem,” Armstrong added. “We have an insurance problem.”

Other proposals House Republicans will be backing include a bill to eliminate New Mexico’s income tax; changes Bernalillo County District Attorney Sam Bregman is pursuing to the Children’s Code; and reforming the state Children, Youth and Families Department, which House Democrats also support.

“There’s no other way to say it other than our children are dying here in the state of New Mexico,” Armstrong said.

House Republicans’ long-shot push to change the medical malpractice law comes after a report by Think New Mexico, a Santa Fe-based think tank, noted the state lost 30% of its primary care providers between 2017 and 2021, while OB-GYNs, dentists, psychiatrists, pharmacists and emergency medical technicians also saw steep drop-offs.

Fred Nathan, the think tank’s founder and executive director, said House Republicans have neither shared nor discussed their proposed legislation with his organization.

“We are working on a different bipartisan medical malpractice bill” with Sen. Martin Hickey, an Albuquerque Democrat who is the only doctor in the Legislature, and Sen. Pat Woods, a Broadview Republican, “which will ensure that patients are made whole without overburdening doctors,” Nathan wrote in an email.

The nonprofit think tank has called for a number of revisions, including capping attorneys’ fees, ending the lump-sum payouts that began after legislative changes in 2021 and limiting the amount of punitive damages that can be awarded to plaintiffs by a jury.

“Those are all designed to make life better for patients and to reduce the amount of medical malpractice in New Mexico,” Nathan said, adding Think New Mexico’s proposals wouldn’t “touch” the 2021 reforms to the medical malpractice law.

He said “most of the problems” Think New Mexico identified with the medical malpractice law predate the 2021 reforms.

Armstrong contends “doctors are leaving” New Mexico because of surging costs for medical malpractice insurance but acknowledged reducing the caps would be an uphill battle in the Legislature, which is controlled by Democrats in both chambers.

“I anticipate lots of pushback,” she said.

Under the 2021 overhaul, the cap for hospitals was raised initially to \$4 million in 2022 and was set to increase each year until it reaches \$6 million in 2026. Lawmakers gave smaller outpatient clinics a break in 2023, setting their payout cap at \$1 million, but other medical facilities have seen their caps — and insurance premium costs — continue to rise.

Senate Majority Leader Peter Wirth, D-Santa Fe, who was involved in negotiating an agreement on the medical malpractice law changes, said in a statement “there’s no question” the state continues to struggle with a health provider shortage.

“But this is a complex, nationwide issue,” he said. “We need to continue working to recruit and retain medical professionals, and there are ways to do that without harming the patients we need to protect.”

Wirth added, “The compromises we reached on malpractice claim caps in 2021 and then again in 2023 were a result of bringing everyone to the table; all parties were on board and the measures passed with bipartisan support. Undoing these important changes to the law now will only harm patients and allow insurance companies to evade responsibility for compensating hurting families.”

Neither the New Mexico Hospital Association nor the New Mexico Trial Lawyers Association returned messages seeking comment Monday.

Armstrong and other caucus leaders — Whip Alan Martinez of Bernalillo and caucus Chair Rebecca Dow of Truth or Consequences — said changes to the medical malpractice law are among several priorities they plan to tackle.

They unveiled what they called a four-step plan for the upcoming session that prioritizes the economy, education, public safety and health care.

Like House Democrats, who outlined their legislative agenda during a news conference in Albuquerque last week, GOP leaders said public safety is among the top priorities.

“I’m happy that Democrats, after several years, have finally realized that crime is an issue, as far as going and taking some of the bills that we’ve introduced in the past and rebranding them, putting their name on it, so I’m really excited about that,” Martinez said. “I think it’s time that legislators ... look at commonsense solutions to some of these crime issues.”