

**BEFORE THE NEW MEXICO SUPERINTENDENT OF INSURANCE**  
**AS CUSTODIAN OF THE PATIENT’S COMPENSATION FUND**

IN THE MATTER OF ADOPTION OF RULES )  
FOR THE PATIENT’S COMPENSATION )  
FUND )  
\_\_\_\_\_ )

Docket No. 21-0005-PCF

**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.

1. Legal authority for adoption of this rule is provided in Section 41-5-25 NMSA 1978.
2. 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.
3. 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](mailto:melissa.gutierrez@state.nm.us).
4. OSI will hold a public video/telephonic hearing on the proposed rules on October 18, 2021, at 9:00 a.m.

Join via Video: <https://us02web.zoom.us/j/83654595694>

Join via telephone: 1-312-626-6799 Meeting ID: 836 5459 5694

5. 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.

6. 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](mailto:Freya.tschantz2@state.nm.us) or may be submitted by sending original copies to:

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

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

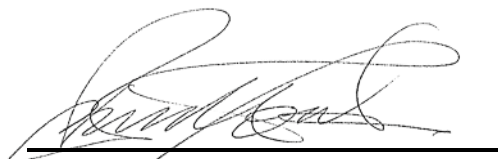
7. Only signed statements, proposals, or comments will be accepted. Scanned or electronic signatures conforming to federal and state court requirements will be accepted with the understanding that if there is any dispute regarding a signature, OSI reserves the right to require that original signatures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

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

9. Copies of this NOPR shall be sent to all persons on the attached Certificate of Service via electronic mail.

10. OSI's Office of Legal Counsel shall send the NOPR to the persons subscribed to the PCF's Newsletter and to a list of individuals who have submitted a request for notice to the Custodian. The NOPR shall be the only filing provided via the Newsletter and to list of individuals. Copies of all other filings shall be posted and available for public view on the PCF website.

**ISSUED this 14<sup>th</sup> day of September, 2021.**



**HON. RUSSELL TOAL**  
**CUSTODIAN OF THE PCF**

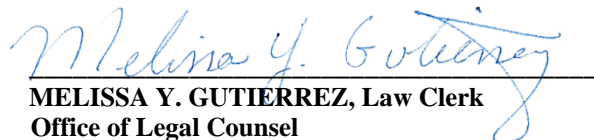
**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing *Notice of Proposed Rulemaking* was emailed to the following individuals, as indicated below, this 14<sup>th</sup> day of September, 2021.

Bryan E. Brock, General Counsel  
Office of Superintendent of Insurance  
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**MELISSA Y. GUTIERREZ, Law Clerk**  
**Office of Legal Counsel**  
**Office of Superintendent of Insurance**