

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

IN THE MATTER OF DETERMINING)
PATIENT’S COMPENSATION FUND)
SURCHARGE RATES FOR CALENDAR)
YEAR 2024)
_____)

Docket No. 2023-0018-PCF

ORDER SCHEDULING HEARING TO DETERMINE
PATIENT’S COMPENSATION FUND SURCHARGE RATES

The New Mexico Superintendent of Insurance, in her capacity as Custodian of the New Mexico Patient’s Compensation Fund (“Custodian”), pursuant to the statutory mandates of NMSA 1978, Section 41-5-25(A), (D), and (F) (2021), and pursuant to 13.21.5 NMAC **FINDS AND CONCLUDES:**

1. Pursuant to NMSA 1978, Section 41-5-25(D), the Custodian is to contract for an actuarial study of the patient’s compensation fund (“PCF”). Pursuant to 13.21.5.10(A) NMAC, the actuarial study is to be completed by August 1, 2023.
2. Pursuant to NMSA 1978, Section 41-5-25(F), surcharges shall be set by October 31 and beginning in 2021, the surcharges shall be set with the intention of bringing the fund to solvency with no projected deficit by December 31, 2026.
3. The Custodian believes that it is in the best interest of the PCF to adopt PCF surcharges based on evidence and comments presented at a public hearing open to all interested persons.
4. The Custodian has jurisdiction over the subject matter and the parties in this proceeding pursuant to NMSA 1978, Section 41-5-25.

IT IS THEREFORE ORDERED:

- A. This Docket is opened for the purpose of considering PCF surcharge rates pursuant to

NMSA 1978, Section 41-5-25(D).

B. A public evidentiary hearing shall be held on September 21, 2023 at beginning at 9:00 a.m. and continuing into September 22, 2023, if necessary. Interested persons and participants may attend in person at the Fourth Floor Hearing Room, Office of Superintendent of Insurance, 1120 Paseo de Peralta, Santa Fe, New Mexico or via teleconference by Teams Meeting.

[Click here to join the meeting](#)

Meeting ID: 289 767 256 802

Passcode: 2eaY7i

Phone: (audio only)

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Meeting ID: 328 022 77#

C. The hearing will be governed by the procedures specified in 13.21.5 NMAC – Surcharge Rate Hearings. Only parties shall be allowed to offer evidence or argument at the hearing. Any person interested in participating as a party must request intervenor party status pursuant to 13.21.5.10(D) NMAC no later than 5:00 p.m. on August 22, 2023.

D. Pursuant to 13.21.5.9 NMAC and 13.21.5.10 NMAC, the Custodian designates the PCF Advisory Board as the hearing examiner to preside over the Surcharge Rate Hearing.

E. The designated hearing examiner shall have the duties and powers set forth in 13.21.5.9 NMAC.

F. All filings must be submitted through the OSI e-Docket system:

<https://edocket.osi.nm.us/home> and filed under the docket number for this case. For help filing documents with OSI Records/Docketing, parties may call (505) 827-4499 or email OSI-docketfiling@state.nm.us. Properly filed pleadings or other documents are the responsibility of the parties making the filing. Electronic signatures must conform to federal and state court

requirements.

G. Any individual with a disability who is in need of a reader, amplifier qualified sign language interpreter, or any other form of auxiliary aid or service to participate in the hearing, should contact Louella Pacheco at (505) 490-7103 or LouElla.Pacheco@osi.nm.gov no later than September 15, 2023.

H. This Order is effective immediately.

I. OSI's Office of Legal Counsel shall send this Order to the persons subscribed to the Patient's Compensation Fund Newsletter.

J. Copies of this Order shall be served via email to all persons listed on the attached Certificate of Service.

DONE AND ORDERED this 7th day of March, 2023.



HON. JENNIFER A. CATECHIS
PCF CUSTODIAN

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Order Scheduling Hearing to Determine Patient's Compensation Fund Surcharge Rates* was sent by email to the following individuals, as indicated below, on this 7th day of March, 2023.

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