

**GENERAL SERVICES DEPARTMENT
RISK MANAGEMENT DIVISION
2019 ANNUAL REPORT**



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Executive Summary

The Risk Management Division (“RMD”) was established to meet critical needs for public entities in the State of New Mexico. *See* RMD’s organic statute, NMSA 1978, §15-7-1 *et seq.*

RMD is responsible for self-insured administration and procurement of insurance to protect the Public Liability Fund (*see* § 41-4-23), the Workers’ Compensation Retention Fund (*see* § 15-7-6), and the Public Property Reserve Fund (*see* § 13-5-1). RMD administers the State’s group benefits self-insurance plan, providing life, vision, health, dental, and disability coverage for employees of the state and participating local public bodies (*see* § 10-7B-1 *et seq.*). Section 51-1-15 further charges RMD with administering the State Government Unemployment Compensation Reserve Fund and the Local Public Body Unemployment Compensation Reserve Fund. As part of this responsibility, RMD works to limit the cost of excess insurance so agency risks are truly “self-insured” and rates relate more directly to actual losses incurred.

Separate units within RMD, known as Bureaus, carry out the division’s diverse functions. The following narrative describes the operations of each individual RMD Bureau and accomplishments in 2019.

Alternative Dispute Resolution Bureau

Established in 2007 by the New Mexico Governmental Dispute Prevention and Resolution Act (NMSA 1978, § 12-8A-1 *et seq.*), the Alternative Dispute Resolution (“ADR”) program helps state agencies constructively resolve workplace issues, thereby reducing costs and avoiding complicated legal proceedings through a preventative care model. ADR is a voluntary process that employs mediation, facilitation, arbitration, and a broad range of other problem-solving techniques to prevent conflict and settle issues.



The ADR Bureau offers a wide variety of services that help agencies fulfill their statutory obligation to offer ADR. Agencies can call on the ADR Bureau to identify resources, develop administrative procedures, create standard forms, and coordinate free mediation services. The ADR Bureau also tracks program services, agency-reported ADR activity, and the state’s participation in U.S. Equal Employment Opportunity Commission (“EEOC”) mediation.

Training, certification, and outreach are large parts of the mission of the ADR Bureau. In Fiscal Year 2019, the ADR Bureau conducted 14 training events in New Mexico, including Santa Fe, Albuquerque, Las Cruces, and Aztec with 231 attendees from around the state in attendance. In addition, the ADR Bureau held numerous outreach events during the fiscal year that reached hundreds more. The ADR Bureau also trained 10 ADR Coordinators (with 3 Coordinators from among the highest loss producing agencies). By focusing its marketing efforts to attract participants from agencies with histories of high loss in employment-related civil rights claims, the ADR Bureau helps agencies proactively reduce losses and build a foundation for future success.

Most of the mediators in the ADR program are trained state employees who serve as neutrals in disputes referred from other agencies. Each year, the ADR Bureau offers formal, 40-hour, mediator certification courses to ensure the state has a ready supply of knowledgeable and skilled mediation professionals. In Fiscal Year 2019, the ADR Bureau conducted mediator certification courses in Santa Fe and Albuquerque (certifying 37 new mediators) and presented a skills refresher course for mediators in the 4-Corners area. Certified mediators serve the state of New Mexico in the cities in which they live and/or work. Some state employees who serve as mediators and travel for work may have more flexibility to assist with mediation in the areas to which they travel.

On October 9-10, 2019, the ADR Bureau hosted its ninth principal outreach event - the ADR Symposium, a no-cost annual training event. This year, 191 mediators, legal professionals, agency executives, ADR Coordinators, and other participants attended the Symposium representing 42 entities from around the state. This unique 2-day event provides continuing education, numerous resources for ADR professionals, and valuable opportunities for attendees to network with each other and with experienced practitioners.

Each year, as required by Statute, the ADR Bureau reports on the use, costs, and successes of the state's ADR programs. A full report of statewide ADR activity relies on agency-reported data, which the ADR Bureau collects and validates quarterly. For additional information, please refer to the [Alternative Dispute Resolution Bureau's Annual Report](#).

Loss Prevention and Control Bureau

The Loss Prevention and Control Bureau (“LPCB”) fulfills the Risk Management Department’s (RMD) insured entities statutory obligation to comply with NMSA §§ 9-17-5(E), 15-7-3(A)(9), NMAC 1.6.2 and NMAC 1.6.4, the State Loss Prevention and Control Rule (“Rule”). LPCB developed revisions to the Rule in 2018, which became effective in December 2019.

Recognizing that strategic and operational risks are inherent in any business process, LPCB works with agencies to integrate risk management activities into daily operations. Employing a systematic risk assessment and mitigation framework, statistical data analysis, and internal subject matter experts, LPCB helps covered entities identify potential exposures, mitigate known risks, and align risk management with agency goals.

The LPCB is also responsible for managing all state insurance coverage that covers property and liability exposure. As part of its program, the Loss Prevention and Control Bureau consults with its agency clients on safety and loss control, reviews agency contracts for insurance and indemnity clauses, and maintains valuations of state-owned property. It accomplishes its diverse functions through its consultative services

The RMD LPCB offers eight basic programs customized for each entity’s operational risks. The first four are common to all covered state entities, while the last four are dependent upon the operations performed. The LPCB consults with each covered entity to develop a written, specific, and comprehensive Loss Control Plan that establishes systems (policies, procedures, practices) to effectively control identified risk exposures. Each entity identifies the individuals designated to verify compliance with the applicable programs. RMD Loss Control Bureau collaborates with the entity to assist with implementation, benchmarking, and measurement of strategic and operational risks.

This holistic approach to risk management allows organizations the freedom and flexibility to apply industry best practices in unique operational environments and, ultimately, succeed in providing outstanding service.

LPCB specializes in the following:

- Promoting a risk management culture to reduce liability exposure, safeguard state assets, and reduce costs associated with state liability and property losses;
- Maintaining centralized loss history information to identify and analyze confidential metrics regarding entity risk exposures and loss experience. For instance, exposure/risk identification is the first and most important step in the risk management process. Without a thorough identification of an organization’s loss risks, it is virtually impossible to implement an effective risk management program.
- Maintaining a centralized loss history database enables state directors, managers, and

supervisory personnel to review their exposure to losses and report such exposures to the RMD Loss Prevention and Control Bureau. No two agencies face the same risks and exposure to risk will change over time. Therefore, risk identification is a continuous process and requires a substantial investment of time and effort in order to realize dividends in the form of reduced premiums.

- Identifying and controlling exposures to help each agency best manage its losses. Losses, in turn, directly affect premiums charged to the covered entity.
- Developing premium formulation for all risk rates (workers' compensation, general liability, law enforcement, medical malpractice, civil rights, automobile liability, automobile physical damage, blanket property, fine arts, boiler and machinery, aircraft liability and aircraft hull), and state agency and local public body unemployment compensation.
- Providing insurance coverage programs and system wide multi-line insurance programs to protect the State's human, physical, and financial assets. The RMD supports and manages sixty-two excess insurance policy placements. The total program cost is \$6,436,118.61.
- Covering catastrophic property claims, RMD placed a policy referred to as Excess Blanket Property policy to cover structures around the State valued at \$ 9,049,244,998. The policy has a \$500,000 Self-Insured Retention, which RMD's Public Property Reserve Fund responds to after an agency meets its initial deductible. In Fiscal Year 2019, the premium paid for this commercial coverage was flat at \$2,838,000, and was allocated among State agencies based on the appraised value of the agencies' respective real property holdings.
- Securing commercial excess insurance for Boiler and Equipment Breakdowns. The coverage has a \$250,000 self-insured retention and covers assets of \$8,688,698,900 across the State. The premium paid into the commercial market for this coverage in Fiscal Year 2019 is \$157,632.00.
- Appraising the inventory of all public buildings insured by the Division, in satisfaction of NMSA 1978 § 13-5-1(D). The 3,736-page report is available for inspection at RMD by appointment. Updated appraisal data assists RMD in the goal of achieving fund solvency by improving the precision of premium rates and continuing to secure reinsurance at advantageous rates.
- Deploying an annual audit and inspection process to the SONM 'Top 25' entities that exhibit the greatest loss severity. Once entities understand the costs associated with state liability and property losses, they welcome the opportunity to establish a robust loss control program to mitigate risks and provide a safe environment for employees. The partnership between each entity and the LPCB highlights a common understanding of the entities business purpose and the system of values and behaviors that shape risk decisions of management and employees.

- Establishing safety and loss control systems and programs customized for each entity’s operational risks. For instance, General Services Department Road Shows – the LPCB provides risk assessments and data analysis (frequency and severity) for Workers’ Compensation, Property and Casualty and Unemployment. Based on the identification of loss drivers and potential exposures, the LPCB targets and deploys customized training to each entity e.g., Ergonomic Train-the-Trainer and Civil Rights. The aim is to reduce the frequency and severity of losses.
- Advancing Environment, Health & Safety programs to provide management support and commitment to safety and loss control. For instance, Safety Initiative: #nmSAFE stands for Safety Accountability From Everyone and is the statewide workplace safety and health initiative for all managers, supervisors, and employees of the state of New Mexico. Each quarter, the LPCB releases agency-level results that show how it is reducing workplace injuries.
- Providing Succession Management in State Government Initiative to improve, by an order of magnitude, the performance of state agencies via a targeted expansion of strategic manager and supervisor workforce development and fact-driven management – the state’s greatest exposures are the “silver tsunami”, which represents the number of experienced workers retiring, and the increasing numbers of untrained managers and supervisors.
- Providing Employee Education and Training Programs – Given the variety of risk exposures to employees of covered entities, training and education targets the improvement of loss control programs. Each entity must establish a written policy for the broadcast of training material to all covered individuals and the verification of compliance thereof. This material includes information on the types and extents of insurance coverage available and other loss control topics. RMD Loss Control Bureau provides consulting services and training materials. As part of this program, task instructions for high-risk tasks and supporting materials (forms, tags and manuals) are also made available to employees.

The annual Higher Education Symposium and the Cyber Security Town Hall are examples of programs that provide statewide support and the commitment to Safety and Loss Prevention and Control.

- Implementing the Unemployment Program to provide strategies for managing hearings, claims, and costs. RMD provides oversight to the State’s third party administrator for unemployment claims. Working under RMD’s direction, the third party administrator’s Win Ratio surpassed 83%, thereby removing \$3,378,317.74 in potential liability.

Finance Bureau

The Finance Bureau supports all of RMD by centralizing the Division's financial functions, providing accountability, and ensuring timely processing of financial transactions. The Bureau manages budget preparation, financial reporting, encumbrances, accounts receivable, accounts payable, and contract administration. After the Finance Bureau went live with the DFA Cash Remediation initiative, continued operational challenges continue to be worked through; the Bureau and DFA have a strong working relationship. The processing initiative remains a major accomplishment, allowing the Property and Casualty and Workers Compensation Bureaus to have improved financial accountability in all transactions.

The Finance Bureau also serves one of RMD's key functions – administering and tracking nine risk funds. Fund solvency has been an ongoing concern and continues to be after approximately \$30.9 million in sweeps from the Public Liability, Public Property, State Unemployment, and Worker's Compensation funds in Fiscal Year 2017.

The Finance Bureau (Bureau) accomplishments for 2019 include automating the current Risk Management Information System (RMIS) to SHARE reconciliation through a portal built by the General Services Department Technical Support Services Bureau (TSSB). The Bureau already completed the Erisa Services disability daily batch to SHARE automated reconciliation to include tracking of stale dated warrants. The Bureau continues to review and improve streamlining its processes and automating wherever possible. It is an active participant in the development of the new RMIS system being put into place in 2020.

Employee Benefits Bureau

Under the Group Benefits Act, RMD is responsible for administering the self-insured group benefits plan (“Plan”) offered to state employees and participating local public bodies, *see* NMSA 1978, § 10-7B-6. RMD’s Employee Benefits Bureau (“EBB”) coordinates and oversees the state’s benefits plan (“Plan”)

With approximately 58,000 members enrolled statewide for medical, 63,000 in dental, and 53,000 in vision, the State’s benefits plan is one of the largest self-insured plans in the state. The group benefits plan offers an Employee Assistance Program (“EAP”), medical, dental, vision, employer paid term life insurance with employee options of supplemental coverage, short and long term disability, Flexible Spending Account Program (“FSA”) for health and dependent care and transportation/parking, and COBRA coverage. Additionally, through efforts begun in 2019, EBB will begin providing extra Supplementary Voluntary Benefits to its members in Fiscal Year 2021 (Cancer, Critical Illness, Whole Life, Long Term Care, and Accident). Also, work began in 2019 to have EBB bring 32 entities currently served under the New Mexico Municipal League. When this effort is completed in 2020, those 32 entities will be the equivalent of 800 more employees, members, and their dependents. The 2020 report will update these activities.

The Plan continues to face the challenges of managing the rising costs of medical services and prescription drugs, one of which includes transporting ill patients from rural areas to large-city hospitals. Transport air ambulance costs can reach upwards of \$70,000, and these costs are paid by the member and the Benefits Plan. Air ambulance prices in New Mexico are not regulated so a member and the group plan cannot negotiate a better price with these air ambulance providers. This matter is an ongoing concern of the EBB/RMD as the State is largely rural.

Another cost challenge is the *Vaccines For Children Program* for which the Plan pays over one million dollars to the Department of Health (DOH) each fiscal year. This program serves children up to 19 years of age who are covered under the Plan who can receive vaccines from a DOH *Vaccines For Children Program* provider. However, if a child receives a vaccine from someone other than a Program provider, the plan pays again for that vaccine because it also pays the provider who gave the vaccine. A recent analysis of 13,230 children (19 and under) covered under the Plan showed that almost 10% of these children received vaccines from their primary care provider during the time in which the state was also paying the DOH for their vaccines under the *Vaccines For Children Program*. The EBB will continue to look at methods to mitigate these costs in 2020.

Four years ago, RMD took a proactive step toward managing costs and improving members’ access to care by opening the Stay Well Health Center (SWHC) in the Joseph M. Montoya building in Santa Fe. RMD continues to work towards opening additional health center locations in other areas of the State, but faces challenges at present in monitoring consistent staffing and cost effective utilization.

In 2019, meetings were conducted and analysis completed regarding best locations to consider in the state for the next facility.

The state of New Mexico began utilizing the SWHC to administer flu shots to Plan members in Santa Fe because there was a significant cost savings for the state. Also, by employees using the SWHC for the Flu Clinics, employees were more attuned to its presence as well as its ability to be a reliable health care provider for employees.

The SWHC Flu Shot Clinics have been quite successful for both the state and it's Plan members. The EBB works with employees throughout the state to schedule Flu Shot Clinics at its office locations. For the Santa Fe area, a SWHC Nurse Practitioner and Medical Assistant, or a Registered Nurse and a Medical Assistant travel to designated offices to provide vaccines to any covered member, and/or covered dependents. For large departments, the SWHC may send an additional staff member.

SWHC Flu Shots Stats for 2019

Vaccine	# Administered	Cost per Unit	Total Cost	Administered Remotely	Remote Cost	Unused/Returned	Reimb. on Rtnnd *	# Remote Clinics (SF)
Adult (3yr+)	1546	\$16.96	\$26,220.16	755	\$12,600.95	40	unknown	
Child (6-35mo)	10	\$16.96	\$169.60	0		0	unknown	
Elderly (65yr+)	4	\$43.50	\$174.00	0		10	unknown	

*In 2018, 20% of the vaccine cost was reimbursed to the state of New Mexico for returned, unused vaccines. The Plan has not yet received the reimbursement for vaccines returned in 2019 so it is not known whether the reimbursement percentage has changed

A key component of the SWHC Flu Shot Clinics is that no fees are charged for administering vaccines; the only cost to the state is for the vaccine itself. The SWHC purchases its vaccines at a discounted price and charges the state only that discounted price. For context, when a vaccine is administered through a pharmacist, physician, etc., there is a charge to administer each vaccine, which is charged to the state (the average fee charged to the state for administering a vaccine is \$21.67 per shot). Since the SWHC does not charge a fee to administer vaccines, the state is benefitting from these savings as shown in the “SWHC Cost Savings/Unit” in the table below.

SWHC and Express Scripts Vaccine Cost Comparison

Vaccine	SWHC			Express Scripts			SWHC Cost Savings/Unit
	Vaccines 2019-20	Cost per Unit	Total Cost/Unit	Vaccines 2019-20	Avg. Cost per Unit (includes admin fee)	Total Cost/Unit	
Adult (3yr+)	1546	\$16.96	\$26,220.16	11505	\$90.89	\$1,045,689.45	\$73.93
Child (6-35mo)	10	\$16.96	\$169.60	7	\$31.51	\$220.57	\$14.55
Elderly (65yr+)	4	\$43.50	\$174.00	1167	\$75.99	\$88,680.33	\$32.49

In addition, the SWHC has become a well-trusted PCP (Primary Care Provider) for the Plan’s Santa Fe members. There has been considerable growth since the SWHC opened in 2016 with 32,450 visits over the last four years; 830 Plan members now utilize the SWHC as their PCP.

SWHC Visits/PCP Patients/Flu Shots Over Four Years

SWHC	Visits	PCP Patients	Flu Shots
2016	7424	209	596
2017	7718	180	830
2018	8447	170	1148
2019	8861	271	1560
Total	32,450	830	4,134

The Risk Management Division is constantly being asked by employees throughout the state when the SWHC will be expanding to other cities so they, too, can utilize its services. RMD is realizing the great potential for cost savings through Stay Well Health Centers.

Workers' Compensation Bureau

The Workers' Compensation Bureau ("WCB") fulfills RMD's statutory obligation to administer the Workers' Compensation Retention Fund and effect prompt and fair payment of workers compensation claims brought by state employees and employees of covered educational entities in accordance with the Workers Compensation Act, *see* NMSA 1978 §§ 51-1-1 *et seq.*, 15-7-6, and 52-1-3. WCB provides thorough and efficient claims administration of workers compensation claims. WCB contracts with outside case managers, investigators, and attorneys to meet the Workers Compensation Act's statutory obligations, while also protecting the solvency of the Workers Compensation Retention Fund. The State is obligated to pay for all reasonable and necessary medical care arising from occupational injuries, and provides an early return to work program for injured workers that helps minimize expenses while enabling workers to regain a sense of normalcy.

Disputed claims are initially litigated through the Workers Compensation Administration's administrative process. Per statute, attorneys' fees for both sides are presently capped at \$22,500.

A summary of key data associated with the top 15 agencies with claims is reflected in the table below. A quick review of those agencies show there are wide disparities in key metrics impacting workers compensation exposure: organizational structure, budgetary capacity, and the nature of the work being accomplished. Each of these metrics provide information that can be used by an agency to undertake methodologies to prevent and mitigate losses. Implementation of the Loss Control Rule, effective in December 2019, will serve to engage agency leadership in a meaningful way to examine how individual agency operations can be assessed and improved such that losses can be prevented and mitigated.

Department – Top 15	# of claims	% of claims	Total reserved	% of total reserved	Average cost per claim
UNIVERSITY OF NEW MEXICO	813	15%	\$2,477,952	7.2%	\$3,048
DEPARTMENT OF HEALTH	675	13%	\$5,230,741	15.2%	\$7,749
CORRECTIONS DEPARTMENT	547	10%	\$1,999,773	5.8%	\$3,656
NMSU	402	8%	\$2,621,013	7.6%	\$6,520
CYFD	375	7%	\$3,082,165	9.0%	\$8,219
DEPARTMENT OF PUBLIC SAFETY	326	6%	\$3,400,801	9.9%	\$10,432
DEPARTMENT OF TRANSPORTATION	310	6%	\$5,374,378	15.7%	\$17,337
UNMH	285	5%	\$2,872,435	8.4%	\$10,079

EMNRD	124	2%	\$267,294	0.8%	\$2,156
NEW MEXICO TECH	117	2%	\$851,885	2.5%	\$7,281
EASTERN NM UNIVERSITY (MAIN)	71	1%	\$263,542	0.8%	\$3,712
GENERAL SERVICES DEPARTMENT	52	1%	\$391,166	1.1%	\$7,522
NM SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED	49	1%	\$413,352	1.2%	\$8,436
MINERS' COLFAX MEDICAL CENTER	38	1%	\$272,088	0.8%	\$7,160
PUBLIC DEFENDER DEPARTMENT	33	1%	\$265,928	0.8%	\$8,058

Property and Casualty Bureau and Legal Bureau

The Property and Casualty Bureau (“PAC”) and the Legal Bureau effectuate RMD’s statutory obligation to manage claims filed against the State of New Mexico and its insured entities, *see* NMSA 1978, § 15-7-2. Such claims include tort liability, personal injury, employment, civil rights, and other claims against the State of New Mexico, state entities, and public employees. These claims are managed collaboratively by the PAC and Legal Bureaus, which investigate and evaluate claims and manage how claims are settled or defended.

Property and Casualty (PAC) Bureau: The PAC Bureau manages litigated and non-litigated claims primarily in state courts and works directly with claimants and insurers. This work includes the majority of claims involving vehicular, property damage and other claims not anticipated to involve prolonged federal litigation. The PAC Bureau is tasked with evaluating and adjusting such claims and making liability payments in settling cases.

Legal Bureau: The Legal Bureau manages cases filed against the state which are in litigation or have a high likelihood of litigation, including employment issues, civil rights issues, and a variety of other torts claims. When disputed liability claims are litigated in State or Federal Court, RMD utilizes the services of approximately fifty contracted defense firms using attorneys in locations throughout the State. Legal Bureau staff attorneys oversee, manage, and negotiate resolutions for cases assigned to RMD contracted defense firms, coordinating litigation and settlement and balancing fiscal responsibilities and agency interests. One of the significant accomplishments in 2019 was the Legal Bureau’s sponsorship of its annual Continuing Legal Education (CLE) program for state and contract attorneys. For the first time, the Bureau used the James A. Little Theater at the New Mexico School for the Deaf in Santa Fe; the Bureau was able to use this facility due to good relationships with RMD Loss Control Bureau. The New Mexico School for the Deaf also co-sponsored the event at no cost. This venue was very professional in surroundings and, despite a heavy snowstorm in Santa Fe, there were close to 300 attorneys in attendance who stayed for the day. The topics were well presented and covered issues such as IPRA, Personnel updates, Ethics Commission, the challenges of defending against Pro-se/constitutionalists in court and attorney ethics. Feedback from attendees was extremely positive and raised the bar for the CLE in 2020.

PAC and Legal Bureaus analyze trends in settlement and litigation data to evaluate and strategically resolve claims. The risks involved with claims handled by the PAC and Legal Bureaus are usually presented as financial liabilities arising from discrete occurrences. In order to evaluate the risk involved in a single claim, it is necessary to analyze the specifics of a claim within the greater legal landscape. By using institutional knowledge and historical data, claims can be properly appraised, saving Public Liability Fund expenditures. In order to evaluate these risks, the Legal Bureau utilizes a Litigation Risk Analysis (“LRA”) for each case it settles. Each Litigation Risk Analysis compares the projected cost of defending a case against the cost of settling the case and the projected probabilities of various outcomes. This analysis also allows the bureau to strategically resolve cases to preserve the Public Liability Fund.

Historically, Legal and PAC Bureaus have employed varied philosophical approaches to both case management and protection of the Public Liability Fund. During years where RMD applies more aggressive defense practice, such as in Fiscal Year 2017, the total cost of settlements may decrease in the aggregate. However, the data does not definitively show a correlation between increased defense costs and decrease in indemnity payments. High-value settlements in certain years may skew data, making a correlations in costs and indemnities difficult to ascertain. While the lack of clear data trends in overall numbers makes a unified approach to cases more difficult, a more case-specific strategy to risk mitigation may be more suitable. Also, while claims adjusted by the PAC Bureau typically involve somewhat fixed damages, the Legal Bureau frequently deals with demands beyond financial remunerations. In employment actions, for example, a plaintiff may seek reinstatement in addition to financial payment. In these cases, Legal Bureau attorneys work with agencies to come to agreeable settlements that may have unquantified value. Over the years reported, Public Liability Fund payments have shown a slight downward trend, decreasing to \$29,593,662.68 in Fiscal Year 2019.

In addition to liability payments, the PAC Bureau is also responsible for administering claims against the Public Property Reserve Fund, which protects “public buildings” of state agencies against loss or damage from fire, windstorm, hail, smoke, explosion, riot or civil commotion” as required by § 13-5-1. Section 13-1-5(B) which requires that RMD cover certain claims for agency losses of personal property.

The table below provides internal calculations of cost of defense, indemnity costs, and total cost trends for the period of Fiscal Year 2013 through Fiscal Year 2019.

Cost of Defense Trend¹	FY2013	\$14,856,475.10
	FY2014	\$11,453,157.79
	FY2015	\$12,535,041.54
	FY2016	\$9,339,408.32
	FY2017	\$12,766,969.63
	FY2018	\$10,100,859.76
	FY2019	\$11,189,111.17

Indemnity Payment Trend	FY2013	\$19,999,165.77
	FY2014	\$17,142,659.96
	FY2015	\$28,164,597.22
	FY2016	\$20,306,297.57
	FY2017	\$16,194,838.12
	FY2018	\$22,131,168.34
	FY2019	\$18,404,551.51

Total PLF Cost Trend	FY2013	\$34,855,640.87
	FY2014	\$28,595,817.75
	FY2015	\$40,699,638.76

¹ Cost of defense, as presently calculated, includes not only attorney’s fees, but also attorney travel, expert witnesses, depositions, investigations, demonstratives, and all other costs which may be reasonably attributed to providing defense for covered lawsuits and claims against the public liability fund.

	FY2016	\$29,645,705.89
	FY2017	\$28,961,807.75
	FY2018	\$32,232,028.10
	FY2019	\$29,593,662.68

Statutory Claim Payment Disclosure

Each year, RMD discloses indemnity payments over \$1,000.00 issued from the Public Liability Fund in its Annual Report per NMSA §15-7-3 (C). Since this report is a public document, RMD must comply with the confidentiality provisions of NMSA § 15-7-9 when disclosing claims payments data. This statute protects fund solvency while still allowing for transparent reporting of the use of taxpayer dollars.

Under NMSA §15-7-9, information about a claim may be released after a statutorily specified date of disclosure on and after:

- (a) the date a final judgment is issued resolving the claim and all appeals and rights to appeal have been exhausted; or
- (b) the date a settlement agreement is signed by all of the parties.

In compiling this disclosure, RMD completed a thorough database search of all claims paid in Fiscal Year 2019. After filtering out payments of less than \$1,000.00, claims were filtered out in accordance with NMSA §§ 15-7-9(A)(2)(c) and 15-7-9(A)(2)(d). See Attachment A.

0301591-000	ALBIN, GEORGE FOR ESTATE OF JOHN ALBIN	\$23,200.00
0400141-000	MONTOYA, RYAN (a minor) by MONTOYA, TOBIAS AND MICHELLE	\$62,920.27
1200408-002	PAULY, DANIEL T. & DANIEL B	\$400,000.00
1200459-000	STANLEY, DAVID N.	\$74,000.00
1201120-004	ROJO, ROBERT	\$300,000.00
1300172-000	Esquibel as PR for Estate of MARES, GWENDOLYNNE	\$210,000.00
1300307-013	GALLEGOS, ROBERT	\$10,000.00
1301263-000	DURAN TOMMY	\$100,000.00
1400071-001	LOPEZ, JIM (SANTIAGO)	\$40,000.00
1400222-000	BOYD, PAMELA	\$210,000.00
1400377-000	GURULE, CARLOS (MINOR)	\$315,388.58
1400403-002	TIERRA BLANCA RANCH HIGH COUNTRY YOUTH PROGRAM	\$750,000.00
1400486-000	MONTOYA, ALEX FILEMON (ESTATE OF)	\$95,000.00
1400964-000	HATHWAY, LORAINE	\$60,000.00
1401339-000	CONTRERAS, LEONEL	\$175,000.00
1401408-000	RUIZ DE LA TORRE, CARLOS	\$6,000.00
1401508-000	KENNEDY, JULIA	\$33,000.00
1401510-000	TRUJILLO, ELIJAH A. (ESTATE OF)	\$50,000.00
1401513-000	O'CONNOR, IVA and BRIAN	\$7,500.00
1401516-000	ARMIJO, AMANDA	\$95,000.00
1500095-000	Vigil, Norman H.	\$105,000.00
1500177-002	ARCHULETA CHARLIE	\$130,000.00
1500325-002	ESPINOZA FRANCISCO & KIMBERLY	\$80,000.00
1500360-001	ZAMBRANO MICHAEL	\$153,440.94
1500364-000	HOOD, JACK	\$135,000.00
1500403-000	TAPIA, RACHAEL	\$28,000.00
1500403-001	MORGAN, CHRISTY	\$117,000.00
1500498-000	PAIZ, ALMIRANTE F.	\$600,000.00
1500518-000	ROMERO, JASON	\$1,250.00

1500647-000	(ESTATE OF) ORTEGA, MARIE F.	\$850,000.00
1500647-001	QUINONEZ, FERNANDO	\$200,000.00
1500809-000	BEDER, Nicole	\$90,000.00
1500995-000	WELCH (ESTATE OF), JERRY & CHRISTINA	\$25,000.00
1501029-000	CLAUNCH, TERRY	\$65,001.00
1501094-000	CASS, LAURA, as Guardian for LL & JL (minors)	\$900,000.00
1501102-000	MAY, ROBERT	\$550,000.00
1501157-000	SANCHEZ , MARIA (ESTATE OF)	\$325,000.00
1501174-000	GONZALES, KELLY	\$15,000.00
1501177-000	RIVERA, GEORGE & FELICIA	\$225,000.00
1501182-000	RODRIGUEZ, WALDO	\$25,000.00
1600287-000	ORNELAS, MD, RENEE	\$25,000.00
1600339-000	MILLER, SAMUEL	\$200,000.00
1600340-000	ALIREZ, KATHLEEN & CRYSTAL SANCHEZ (MINORS)	\$60,000.00
1600360-000	MYERS, MARION	\$75,000.00
1600362-000	DURR, EDWIN (ESTATE OF)	\$325,000.00
1600398-000	AERTS, SHERRY	\$42,500.00
1600414-000	RODRIGUEZ, PATRICK	\$225,000.00
1600750-000	HOGUE, DEVANTE (A MINOR INFANT)	\$46,160.00
1600798-000	CHAVEZ, ADRIAN #72441	\$15,000.00
1600825-000	CHARLET, ROGER (ESTATE OF)	\$25,000.00
1600893-000	NORRIS, WILLIAM NELSON	\$115,000.00
1601040-000	APODACA, GLORIA	\$140,000.00
1601225-000	REYES, ROBERTO	\$150,000.00
1601245-000	BRODSKY, MIA	\$50,000.00
1601252-000	CORDOVA, LOUIS T	\$225,000.00
1601265-000	BUTTERS, NATALIE	\$78,896.00
1601284-000	PROCTOR, JEFF	\$7,500.00
1601301-000	SEWARD , A.J. (MINOR)	\$272,500.00
1601309-000	DELGARITO, JEREME	\$25,000.00
1601313-000	WALDRON, ANTHONY	\$25,000.00
1601316-000	CLYDE, FERNANDO	\$1,500.00

1601325-000	LARREA, JESUS ORLANDO	\$50,000.00
1700051-001	GUTIERREZ LYDIA	\$24,500.00
1700072-000	JIMENEZ, GUERRERO (ESTATE OF)	\$625,000.00
1700183-000	ONTIVEROS, PAUL A	\$130,000.00
1700227-000	GRIEGO, LEO (SR) (ESTATE OF)	\$16,666.66
1700232-000	VORA GAUTAM	\$25,000.00
1700311-000	DICKENS, REBECCA	\$225,000.00
1700394-000	GRESS, ANTON (ESTATE OF)	\$450,000.00
1700546-000	TELLEZ , RAYMOND	\$290,000.00
1700722-000	PADILLA, ANGEL	\$25,000.00
1700723-000	GALLEGOS, MARTIN (39110)	\$15,000.00
1700758-000	PALMA, BIANCA SELENE RIOS	\$35,000.00
1700779-000	TIEHEN, MAURICE	\$30,000.00
1700902-000	CHIENG, ADISON	\$17,712.76
1700973-000	SLOMAN, STEPHANIE	\$100,000.00
1701004-000	HERRERA , JACK V	\$1,000.00
1701049-000	OLVEDA, RUBEN	\$925,000.00
1701124-002	VIGIL, MANUELA, PR for VIGIL, DAVID (deceased)	\$8,000.00
1701138-000	MARTINEZ, MARY	\$60,000.00
1701149-000	HAMILTON, ERIKA	\$21,500.00
1701171-000	GONZALES, RAFAEL	\$12,000.00
1701173-000	GARZA, BEATRICE	\$20,000.00
1701190-000	NM BUILDING & CONSTRUCTION TRADES COUNCIL	\$5,000.00
1701243-000	DIMAGGIO, FRANK	\$17,000.00
1701251-000	GRAY, DEBORAH	\$31,282.08
1701265-000	BRADSHAW, DAVID	\$1,500.00
1701266-000	VALDEZ, RAUL	\$37,000.00
1800015-001	RICHARDS, GABRIEL	\$22,500.00
1800117-000	KERN, MERCEDES	\$22,000.00
1800214-000	PRAIRIE, TRACY	\$160,000.00
1800224-000	HAMBLIN, ANDREA	\$1,995.70
1800298-001	DERNOV, IGOR and OLGA TRISHINA (AAA - SUBRO)	\$7,000.00

1800313-001	GILMORE, JEFFREY	\$451,650.27
1800421-000	ANKER-UNNEVER, LYNNE	\$61,374.97
1800519-000	GUTIERREZ, KAITLYNN	\$1,050,000.00
1800624-000	VIARRIAL, JOSEPH	\$2,502.38
1800672-001	DUDLEY, JAMES	\$70,000.00
1800705-000	LEE, ELI	\$1,511.14
1800749-000	MARKESTEYN, MARIE	\$14,521.31
1800773-000	MARTINEZ JONES, MONICA	\$900,000.00
1800855-000	HALLOWAY, ARLENE	\$7,000.00
1800860-000	SNOWDEN, WILLIAM	\$10,000.00
1800862-000	DURAN, FIDENCIO & ROBERT (estate of)	\$2,000.00
1800880-000	SWARTZ, RONALD (ESTATE OF)	\$400,000.00
1800904-000	ROMERO, CARLOS	\$16,000.00
1800957-001	BAKER, CHANDLER	\$5,741.48
1800962-000	CLOUGH, KELDA	\$52,500.00
1800982-000	MONTANO, URSULA	\$91,500.00
1800988-000	ZHAK, OLGA (ESTATE)	\$25,000.00
1801005-000	THORNBERRY, TERRI	\$400,000.00
1801005-001	DeJARNETTE, DIANNA	\$300,000.00
1801005-002	ORLANDO, AMY	\$300,000.00
1801015-000	FICKE, PATRICK	\$144,966.19
1801039-000	VASQUEZ-RANGEL, VICTORIA	\$25,000.00
1801073-000	BOKUNIEWICZ, MARY	\$6,228.28
1801077-000	BAKER, DAVID	\$1,302.46
1801080-001	DUNAGAN, KERRI	\$5,598.21
1801083-000	BAUMANN, WILLIAM	\$3,939.15
1801086-000	PEREZ, CONSUELO C	\$3,718.68
1801114-001	LOPEZ, JAQUELINE	\$6,213.00
1801114-002	MONTANO, BERNIE	\$7,227.35
1801131-000	GOMEZ, IVAN	\$4,501.00
1801135-001	RODRIGUEZ, ELSA	\$8,000.00
1801135-002	HERNANDEZ, GRACIELA	\$8,500.00

1801135-003	HERNANDEZ, JOSE LUIS	\$3,800.00
1801143-000	HERNANDEZ, BRANDY	\$6,000.00
1801191-000	ROSALES, SHELANE	\$15,000.00
1801196-000	HILL, RACHEL	\$1,765.55
1801198-001	FIRST BAPTIST CHURCH	\$10,972.00
1801208-000	BENALLIE, MELISSA	\$3,500.00
1801243-000	PADGETT, RICHARD	\$11,500.00
1801256-000	BARTLEY, CARLTON J.	\$1,889.21
1801266-000	GALLEGOS, FLORENCIO	\$2,470.26
1801273-001	TREVINO, KATHLEEN	\$52,624.33
1801302-000	BRYANT, ERIN	\$18,000.00
1801317-000	KING, CLAUDE, JR.	\$1,259.20
1801336-000	GRIEGO, DANIEL L. SR.	\$3,794.01
1801349-000	SLOAN, CLARK EVANS	\$1,200.00
1801355-001	LOPEZ, MANUELITA	\$2,591.50
1801386-000	MYERS, PAULINE	\$3,500.00
1801392-000	VELASQUEZ, BILLY	\$4,362.23
1801410-000	ALSHIMERY, MOHAMMED	\$3,015.93
1801426-000	MONROE, CATHERINE	\$130,000.00
1801434-000	ROMERO, TEDD J.	\$9,500.00
1801446-000	CARPENTER, ELLEN K	\$5,000.00
1801452-000	MARTINEZ, PAUL RENE	\$5,000.00
1801453-000	FINDLEY, BRENDA KIME	\$12,000.00
1900001-000	SANCHEZ, ALAINA & JOSHUA LOCEY (SUBRO PROGRESSIVE)	\$3,344.63
1900007-000	HENDERSON, ALBERT C. III	\$10,000.00
1900012-000	RHODES, PATRICK	\$25,458.00
1900021-000	MAESTAS, ERNEST	\$2,787.00
1900025-000	ARCHULETA, HEATHER	\$3,000.00
1900025-001	ORTIZ, JOE	\$3,000.00
1900026-000	JARAMILLO, JORDAN	\$1,097.58
1900047-000	LOPEZ, VICTOR	\$9,300.00
1900049-000	DESCHAMPS, JOHNNY	\$1,693.51

1900052-000	SALAZAR, GILBERTO (Owner)	\$1,792.68
1900055-000	COLSTON, CHERYL	\$1,262.82
1900060-000	LINCOLN, MICHAEL	\$6,930.77
1900066-000	GARCIA, CONNIE	\$4,000.00
1900066-001	PERSER, RAYMOND	\$2,580.00
1900067-000	GARCIA, BARBARA	\$1,729.85
1900107-000	CARDENAS, ARNOLD	\$1,092.31
1900114-000	RODRIGUEZ, GARY	\$1,096.20
1900133-000	CASAUS, MONIQUE	\$2,500.00
1900135-000	ROAN, ANGELITA	\$3,601.53
1900154-000	RATLIFF, JESSLYN PAIGE	\$8,335.02
1900156-000	CORNEJO, JOSE W	\$1,850.00
1900163-000	PLACENCIO, GARY	\$1,122.66
1900166-000	PIKE, RANDY	\$4,982.56
1900167-000	CHAVEZ, JAMES	\$10,748.07
1900177-000	HENDERSON, JOHN	\$1,051.78
1900203-000	FLORES, ANGEL	\$1,094.14
1900226-000	CANNON, TROY (STATE FARM SUBROGATION)	\$11,160.25
1900233-000	SILVA, RON	\$1,781.28
1900235-000	DUEWALL, DANNY	\$2,930.91
1900238-000	ANAYA, DAVID	\$5,552.75
1900242-000	GARRITY, DIANE	\$100,000.00
1900252-000	HEIMBECKER, DONATHON	\$6,973.01
1900257-000	GEORGE, SHELBY (GEICO SUBROGATION)	\$3,915.51
1900263-000	GIVENS, EROME	\$2,500.00
1900278-000	KEEF, RONALD	\$2,095.16
1900281-000	GOFF, FRASER	\$1,464.00
1900283-000	SOTO, NAOMI	\$1,310.99
1900285-000	RONQUILLO, EDGAR	\$1,051.87
1900291-000	FLANNERY, MICHAEL (USAA SUBROGATION)	\$5,368.25
1900303-000	GALVAN, ALICIA	\$1,199.50
1900308-000	GARCIA, ROBERT M JR	\$4,239.14

1900342-000	VANN, SHAWNA (FARMER INS.)	\$6,149.78
1900350-000	RIVERA, WILLIAM	\$1,011.11
1900373-000	JEFFREYS, ELIZABETH (PROGRESSIVE SUBROGATION)	\$4,010.48
1900380-000	BAAH-KUMI, BERNARD	\$1,129.57
1900394-000	MILKS, WILLIAM JR	\$3,082.30
1900413-000	NIEMCZYK, THOMAS	\$3,500.00
1900423-000	MONTOYA, JOHN R.	\$4,000.00
1900431-000	NALLEY, DON (FARMERS INSURANCE SUBROGATION)	\$1,098.00
1900432-001	CNJ OILFIELD SERVICES	\$3,803.31
1900440-000	DONA ANA COUNTY	\$3,467.74
1900470-000	TRUJILLO, CHANTEL	\$1,437.09
1900500-000	COLIN, MARY LEE	\$1,621.88
1900530-000	ROMERO, JOHN B.	\$4,407.84
1900552-000	SORENSEN, NORENE	\$6,366.08
1900561-000	FONTAINE, LANDON	\$8,361.94
1900561-001	TRAVELERS INS. (SUBRO) (KEITH FONTAINE)	\$1,740.82
1900563-000	COLLAWN, PATRICIA	\$2,520.45
1900595-000	POSEY, TROY DENZEL	\$1,589.84
1900600-000	NEEDHAM, WILLIAM	\$3,607.72
1900604-000	GOULD, CANDACE	\$1,528.53
1900614-000	WORKMAN, JASON	\$2,359.31
1900619-000	ROYBAL, RAUL	\$1,400.00
1900627-000	BRANSFORD, MARY LYNN	\$1,048.42
1900630-000	NEWMAN, MARK	\$2,000.00
1900640-001	BLOMQUIST, TIMOTHY M.	\$8,225.00
1900640-002	CHACON, DARREN	\$5,350.00
1900646-000	ARKIE, RICHARD	\$1,280.85
1900655-000	GARCIA, JORGE L.	\$1,000.00
1900661-001	ENTERPRISE HOLDINGS INC. / DAMAGE RECOVERY UNIT	\$10,753.54
1900669-000	DEAN, MARTIN	\$1,013.00
1900676-000	ORTEGA, BRYANNA	\$1,219.54
1900689-000	ARMENDARIZ, ALEJANDRO	\$1,125.58

1900691-000	CLIFFORD, JESSE	\$2,441.36
1900706-000	DOMINGUEZ, DAVID	\$1,405.40
1900719-000	FRIEDMAN, SETH	\$1,579.07
1900729-001	CORDOVA, CHRIS	\$9,085.88
1900729-002	ALLSTATE SUBRO FOR HARVEY LONG	\$1,237.57
1900746-000	KERMOTT, SEQUOIA	\$40,000.00
1900751-000	CASTELLANO, TAMMY	\$2,211.53
1900766-000	BATES, LUCI I.	\$1,180.99
1900773-000	MAXWELL, SHARNEICE	\$8,008.77
1900795-000	MEDINA, SAVANAH	\$2,178.22
1900808-000	CARTER, CORA	\$4,510.27
1900811-000	URBAN, MELISSA	\$2,526.78
1900815-000	HERRERA, MARK	\$5,627.25
1900859-000	TERRAZAS, MIGUEL	\$1,500.00
1900869-000	RODRIGUEZ, PAULINE	\$1,197.44
1900884-000	ALLSTATE INS ASO OF GRACE CASTILLO	\$2,954.28
1900902-000	JABALERA, OLGA	\$1,700.92
1900938-000	TRUJILLO, PHILLIP	\$2,713.27
1900939-000	MARTINEZ, JESSICA	\$1,352.92
1900964-000	HARRIS, ALLETHEA	\$1,167.75
1900996-000	COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO	\$40,000.00