

This rule was filed as 6 NMAC 50.14.

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 50 INSURANCE
PART 14 PARTICIPATING ENTITY WORKERS COMPENSATION POLICY

6.50.14.1 ISSUING AGENCY: New Mexico Public Schools Insurance Authority, 410 Old Taos Highway, Santa Fe, New Mexico 87501.
[10-15-97; Recompiled 10/31/01]

6.50.14.2 SCOPE: This part applies to all school districts, educational entities, eligible employees, eligible retired employees, eligible dependents, eligible participating entity board members, and persons or entities authorized to participate in the authority's coverage on matters involving employee benefits.
[03-22-93; 10-15-97; Recompiled 10/31/01]

6.50.14.3 AUTHORITY: This part is promulgated pursuant to the Public Schools Insurance Authority Act, Section 22-2-6.7(E) NMSA 1978 (Rplc. 1986), which directs the NMPSIA to promulgate necessary rules, regulations and procedures for the implementation of the New Mexico Public Schools Insurance Authority Act, Section 22-2-6.1 et seq. NMSA 1978 (Rplc. 1986).
[03-22-93; 10-15-97; Recompiled 10/31/01]

6.50.14.4 DURATION: Permanent.
[10-15-97; Recompiled 10/31/01]

6.50.14.5 EFFECTIVE DATE: 3-22-93, unless a later date is cited at the end of a section.
[10-15-97; Recompiled 10/31/01]

6.50.14.6 OBJECTIVE: The objective of this part is to establish a policy with regard to workers' compensation that is suggested to be used by all school districts and other educational entities participating in the authority's workers' compensation program. The objective of this part is to also establish the policy that any person who is injured and as a result of that injury is eligible to receive workers compensation benefits, shall not be entitled to make a claim for damages based on tort or civil rights theories. The objective is to establish workers compensation as an exclusive remedy.
[03-22-93; 10-15-97; Recompiled 10/31/01]

6.50.14.7 DEFINITIONS: [RESERVED.]
[10-15-97; Recompiled 10/31/01]

6.50.14.8 WORKERS' COMPENSATION POLICY: All school districts and educational entities participating in the Authority's workers' compensation coverages shall adopt a workers' compensation policy for its employees substantially in the following form. Those school districts and other educational entities which adopt and implement such a policy, and which actively utilize services and implement loss control measures as outlined in Part 12 [6.50.12 NMAC], will be eligible for special consideration with regard to workers' compensation premium in the period beginning January 1, 1994.
[3-22-93; 10-15-97; Recompiled 10/31/01]

6.50.14.9 WORKERS' COMPENSATION POLICY FOR SCHOOL DISTRICTS AND OTHER EDUCATIONAL ENTITIES PARTICIPATING IN AUTHORITY WORKERS' COMPENSATION INSURANCE PROGRAM: The following is a form policy that is suggested to be adopted and implemented by all Authority members participating in the authority workers' compensation insurance coverage:



[06.050.00014.09 form](#)

[3-22-93; Recompiled 10/31/01]

6.50.14.10 CONFLICT WITH STATUTE: In the event of a conflict between this part and the Workers' Compensation Act of the state, the provisions of the act shall prevail.

[3-22-93; 10-15-97; Recompiled 10/31/01]

6.50.14.11 CLAIMS DETERMINATION: No school district or educational entity has the authority to accept or acknowledge liability on a workers' compensation claim. There is no liability on a workers' compensation claim until liability is acknowledged in writing by an authorized employee of the authority third party administrator.
[3-22-93; Recompiled 10/31/01]

6.50.14.12 WORKERS' COMPENSATION IS THE EXCLUSIVE REMEDY: In any case where an authority insured under the authority workers' compensation program is eligible to receive workers' compensation benefits for an injury, the exclusive remedy for such injury is workers' compensation benefits. Such injured insured shall have no claims for additional benefits under either the authority benefits or risk program including but not limited to underinsured, uninsured and unknown motorist coverages. Provided, however, this does not prohibit an insured from claiming benefits (in addition to workers' compensation) if provided under a short or long-term disability policy, life insurance policy or medical benefits policy (so long as an insured is limited to one recovery for medical expenses).
[3-22-93; Recompiled 10/31/01]

HISTORY of 6.50.14 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the state records center & archives under:

NMPSIA 93-17, Participating Entity Workers Compensation Policy, filed 03-22-93;

NMPSIA Rule 93-18, Workers Compensation is the Exclusive Remedy, filed 03-22-93.

History of Repealed Material: [RESERVED.]