



The Legislature
of the
State of New Mexico

52nd Legislature, 1st Session

LAWS 2015

CHAPTER _____

HOUSE BILL 258

Introduced by
REPRESENTATIVE MIGUEL P. GARCIA



POCKET VETOED

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AN ACT

RELATING TO HEALTH INSURANCE; AMENDING A SECTION OF THE NEW MEXICO INSURANCE CODE TO PROVIDE FOR FREEDOM OF CHOICE OF HOSPITAL AND PRACTITIONER TO INCLUDE LICENSED PROFESSIONAL MENTAL HEALTH COUNSELORS AND THERAPISTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 59A-22-32 NMSA 1978 (being Laws 1984, Chapter 127, Section 454, as amended) is amended to read:

"59A-22-32. FREEDOM OF CHOICE OF HOSPITAL AND PRACTITIONER.--

A. Within the area and limits of coverage offered an insured and selected by the insured in the application for insurance, the right of a person to exercise full freedom of choice in the selection of a hospital for hospital care or of a practitioner of the healing arts or optometrist, psychologist, podiatrist, physician assistant, certified nurse-midwife, registered lay midwife, registered nurse in expanded practice or licensed professional mental health counselor or therapist, as defined in Subsection B of this section, for treatment of an illness or injury within that person's scope of practice shall not be restricted under any new policy of health insurance, contract or health care plan issued after June 30, 1967 in this state or in the processing

1 of a claim thereunder. A person insured or claiming benefits
2 under any such health insurance policy, contract or health
3 care plan providing within its coverage for payment of service
4 benefits or indemnity for hospital care or treatment of
5 persons for the cure or correction of any physical or mental
6 condition shall be deemed to have complied with the
7 requirements of the policy, contract or health care plan as to
8 submission of proof of loss upon submitting written proof
9 supported by the certificate of any hospital currently
10 licensed by the department of health or any practitioner of
11 the healing arts or optometrist, psychologist, podiatrist,
12 physician assistant, certified nurse-midwife, registered lay
13 midwife, registered nurse in expanded practice or licensed
14 professional mental health counselor or therapist.

15 B. As used in this section:

16 (1) "hospital care" means hospital service
17 provided through a hospital that is maintained by the state or
18 a political subdivision of the state or a place that is
19 currently licensed as a hospital by the department of health
20 and has accommodations for resident bed patients, a licensed
21 professional registered nurse always on duty or call, a
22 laboratory and an operating room where surgical operations are
23 performed, but "hospital care" does not include a convalescent
24 or nursing or rest home;

25 (2) "licensed professional mental health

1 counselor or therapist" means one of the following individuals
2 licensed by the counseling and therapy practice board:

3 (a) a licensed professional clinical
4 mental health counselor;

5 (b) a licensed alcohol and drug abuse
6 counselor;

7 (c) a licensed marriage and family
8 therapist;

9 (d) a licensed professional art
10 therapist;

11 (e) a licensed mental health counselor;

12 (f) a licensed substance abuse
13 associate; or

14 (g) a licensed associate marriage and
15 family therapist;

16 (3) "practitioner of the healing arts" means
17 a person holding a license or certificate authorizing the
18 licensee to offer or undertake to diagnose, treat, operate on
19 or prescribe for any human pain, injury, disease, deformity or
20 physical or mental condition pursuant to:

21 (a) the Chiropractic Physician Practice
22 Act;

23 (b) the Dental Health Care Act;

24 (c) the Medical Practice Act;

25 (d) Chapter 61, Article 10 NMSA 1978;

1 and

2 (e) the Acupuncture and Oriental
3 Medicine Practice Act;

4 (4) "optometrist" means a person holding a
5 license provided for in the Optometry Act;

6 (5) "podiatrist" means a person holding a
7 license provided for in the Podiatry Act;

8 (6) "psychologist" means a person who is
9 duly licensed or certified in the state where the service is
10 rendered and has a doctoral degree in psychology and has had
11 at least two years of clinical experience in a recognized
12 health setting or has met the standards of the national
13 register of health service providers in psychology;

14 (7) "physician assistant" means a person who
15 is licensed by the New Mexico medical board to practice as a
16 physician assistant and who provides services to patients
17 under the supervision and direction of a licensed physician;

18 (8) "certified nurse-midwife" means a person
19 licensed by the board of nursing as a registered nurse and who
20 is registered with the public health division of the
21 department of health as a certified nurse-midwife;

22 (9) "registered lay midwife" means a person
23 who practices lay midwifery and is registered as a registered
24 lay midwife by the public health division of the department of
25 health; and

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(10) "registered nurse in expanded practice"
means a person licensed by the board of nursing as a
registered nurse approved for expanded practice pursuant to
the Nursing Practice Act as a certified nurse practitioner,
certified registered nurse anesthetist, certified clinical
nurse specialist in psychiatric mental health nursing or
clinical nurse specialist in private practice and who has a
master's degree or doctorate in a defined clinical nursing
specialty and is certified by a national nursing
organization."

S/ DON TRIPP
DON TRIPP, SPEAKER
HOUSE OF REPRESENTATIVES

S/ DENISE RAMONAS
DENISE RAMONAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES

S/ JOHN A. SANCHEZ
JOHN A. SANCHEZ, PRESIDENT
SENATE

S/ LENORE M. NARANJO
LENORE M. NARANJO, CHIEF CLERK
SENATE

Approved by me this _____ day of _____, 2015

SUSANA MARTINEZ, GOVERNOR
STATE OF NEW MEXICO