

HOUSE BILL 578

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

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AN ACT

RELATING TO HEALTH COVERAGE; ENACTING SECTIONS OF THE GROUP BENEFITS ACT, THE PUBLIC ASSISTANCE ACT, THE NEW MEXICO INSURANCE CODE, THE HEALTH MAINTENANCE ORGANIZATION LAW AND THE NONPROFIT HEALTH CARE PLAN LAW TO ESTABLISH REIMBURSEMENT PARITY BETWEEN PHARMACISTS AND CERTAIN OTHER LICENSED HEALTH PROFESSIONALS FOR THE SAME PHARMACEUTICAL CLINICAL SERVICES.

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

**SECTION 1.** A new section of the Group Benefits Act is enacted to read:

"[NEW MATERIAL] PHARMACIST SERVICES--REIMBURSEMENT PARITY.--A group health plan shall not discriminate with respect to reimbursement under the group health plan against any pharmacist who is acting within the scope of that pharmacist's license. The group health plan shall reimburse

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1 any pharmacist who provides a service at the same rate that the  
2 group health plan reimburses, for the same service under that  
3 group health plan, any physician or physician assistant  
4 licensed pursuant to the Medical Practice Act or the  
5 Osteopathic Medicine Act or any advanced practice certified  
6 nurse practitioner licensed pursuant to the Nursing Practice  
7 Act."

8 SECTION 2. A new section of the Public Assistance Act is  
9 enacted to read:

10 "[NEW MATERIAL] PHARMACIST SERVICES--REIMBURSEMENT  
11 PARITY.--The department shall ensure that any medical  
12 assistance program or contractor providing services to the  
13 medical assistance program does not discriminate with respect  
14 to reimbursement under the medical assistance program against  
15 any pharmacist who is acting within the scope of that  
16 pharmacist's license. The medical assistance program or its  
17 contractor shall reimburse any pharmacist who provides a  
18 service at the same rate that the medical assistance program  
19 reimburses, for the same service under that program, any  
20 physician or physician assistant licensed pursuant to the  
21 Medical Practice Act or the Osteopathic Medicine Act or any  
22 advanced practice certified nurse practitioner licensed  
23 pursuant to the Nursing Practice Act."

24 SECTION 3. A new section of Chapter 59A, Article 22 NMSA  
25 1978 is enacted to read:

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1           "[NEW MATERIAL] PHARMACIST SERVICES--REIMBURSEMENT  
2 PARITY.--An insurer shall not discriminate with respect to  
3 reimbursement pursuant to an individual health insurance  
4 policy, health care plan or certificate of health insurance  
5 that is delivered, issued for delivery or renewed in this state  
6 against any pharmacist who is acting within the scope of that  
7 pharmacist's license. The insurer shall reimburse any  
8 pharmacist who provides a service pursuant to a health  
9 insurance plan, policy or certificate of health insurance at  
10 the same rate that the health insurance policy, health care  
11 plan or certificate of health insurance reimburses, for the  
12 same service pursuant to that policy, plan or certificate, any  
13 physician or physician assistant licensed pursuant to the  
14 Medical Practice Act or the Osteopathic Medicine Act or any  
15 advanced practice certified nurse practitioner licensed  
16 pursuant to the Nursing Practice Act."

17           SECTION 4. A new section of Chapter 59A, Article 23 NMSA  
18 1978 is enacted to read:

19           "[NEW MATERIAL] PHARMACIST SERVICES--REIMBURSEMENT  
20 PARITY.--An insurer shall not discriminate with respect to  
21 reimbursement pursuant to a group or blanket health insurance  
22 policy, health care plan or certificate of health insurance  
23 that is delivered, issued for delivery or renewed in this state  
24 against any pharmacist who is acting within the scope of that  
25 pharmacist's license. The insurer shall reimburse any

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1 pharmacist who provides a service pursuant to a health  
2 insurance plan, policy or certificate of health insurance at  
3 the same rate that the health insurance policy, health care  
4 plan or certificate of health insurance reimburses, for the  
5 same service pursuant to that policy, plan or certificate, any  
6 physician or physician assistant licensed pursuant to the  
7 Medical Practice Act or the Osteopathic Medicine Act or any  
8 advanced practice certified nurse practitioner licensed  
9 pursuant to the Nursing Practice Act."

10 SECTION 5. A new section of the Health Maintenance  
11 Organization Law is enacted to read:

12 "[NEW MATERIAL] PHARMACIST SERVICES--REIMBURSEMENT  
13 PARITY.--A carrier shall not discriminate with respect to  
14 reimbursement pursuant to an individual or group health  
15 maintenance organization contract that is delivered, issued for  
16 delivery or renewed in this state against any pharmacist who is  
17 acting within the scope of that pharmacist's license. The  
18 carrier shall reimburse any pharmacist who provides a service  
19 pursuant to an individual or group contract at the same rate  
20 that the carrier reimburses, for the same service under that  
21 individual or group contract, any physician or physician  
22 assistant licensed pursuant to the Medical Practice Act or the  
23 Osteopathic Medicine Act or any advanced practice certified  
24 nurse practitioner licensed pursuant to the Nursing Practice  
25 Act."

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1 SECTION 6. A new section of the Nonprofit Health Care  
2 Plan Law is enacted to read:

3 "[NEW MATERIAL] PHARMACIST SERVICES--REIMBURSEMENT  
4 PARITY.--A health care plan shall not discriminate with respect  
5 to reimbursement pursuant to a subscriber contract that is  
6 delivered, issued for delivery or renewed in this state against  
7 any pharmacist who is acting within the scope of that  
8 pharmacist's license. The health care plan shall reimburse any  
9 pharmacist who provides a service pursuant to a subscriber at  
10 the same rate that the carrier reimburses, for the same service  
11 under that subscriber contract, any physician or physician  
12 assistant licensed pursuant to the Medical Practice Act or the  
13 Osteopathic Medicine Act or any advanced practice certified  
14 nurse practitioner licensed pursuant to the Nursing Practice  
15 Act."