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HOUSE BILL 59

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

INTRODUCED BY

Christine Trujillo

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO HEALTH COVERAGE; ENACTING SECTIONS OF THE HEALTH CARE PURCHASING ACT, THE PUBLIC ASSISTANCE ACT AND THE NEW MEXICO INSURANCE CODE TO BAN DISCRIMINATION AGAINST PROFESSIONAL ART THERAPISTS.

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

**SECTION 1.** A new section of the Health Care Purchasing Act is enacted to read:

"[NEW MATERIAL] PROFESSIONAL ART THERAPISTS--BAN ON DISCRIMINATION.--

A. If a group health plan covers services that are within the scope of practice of professional art therapists, the group health plan shall not discriminate against professional art therapists and shall treat professional art therapists like any other mental health practitioner for

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1 purposes of credentialing and contracting as participating  
2 providers.

3 B. The provisions of this section shall not be  
4 construed to prevent a group health plan from establishing  
5 varying reimbursement rates among mental health care  
6 practitioners based on quality or performance measures.

7 C. The provisions of this section apply to group  
8 health plans delivered or issued for delivery after January 1,  
9 2020.

10 D. As used in this section:

11 (1) "mental health care practitioner" means an  
12 individual licensed to provide health care pursuant to the  
13 Counseling and Therapy Practice Act;

14 (2) "participating provider" means a mental  
15 health care practitioner or other provider who, under an  
16 express contract with a group health plan or with its  
17 contractor or subcontractor, has agreed to provide health care  
18 services to enrollees with an expectation of receiving payment,  
19 other than copayment or deductible, directly or indirectly from  
20 the group health plan; and

21 (3) "professional art therapist" means an  
22 individual licensed as a professional art therapist pursuant to  
23 the Counseling and Therapy Practice Act."

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

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1           "[NEW MATERIAL] PROFESSIONAL ART THERAPISTS--BAN ON  
2 DISCRIMINATION.--

3           A. The secretary shall ensure that a medical  
4 assistance plan that covers services that are within the scope  
5 of practice of professional art therapists does not  
6 discriminate against professional art therapists and shall  
7 treat professional art therapists like any other mental health  
8 practitioner for purposes of credentialing and contracting as  
9 participating providers.

10           B. The provisions of this section shall not be  
11 construed to prevent a medical assistance plan from  
12 establishing varying reimbursement rates among health care  
13 practitioners based on quality or performance measures.

14           C. As used in this section:

15                   (1) "mental health care practitioner" means an  
16 individual licensed to provide health care pursuant to the  
17 Counseling and Therapy Practice Act;

18                   (2) "participating provider" means a mental  
19 health care practitioner or other provider who, under an  
20 express contract with the department, a managed care  
21 organization or with a contractor or subcontractor of the  
22 department or a managed care organization, has agreed to  
23 provide health care services to recipients with an expectation  
24 of receiving payment, other than copayment or deductible,  
25 directly or indirectly from the department or managed care

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1 organization; and

2 (3) "professional art therapist" means an  
3 individual licensed as a professional art therapist pursuant to  
4 the Counseling and Therapy Practice Act."

5 SECTION 3. A new section of the New Mexico Insurance Code  
6 is enacted to read:

7 "NEW MATERIAL PROFESSIONAL ART THERAPISTS--BAN ON  
8 DISCRIMINATION.--

9 A. An individual or group health plan that covers  
10 services that are within the scope of practice of professional  
11 art therapists shall not discriminate against professional art  
12 therapists and shall treat professional art therapists like any  
13 other mental health practitioner for purposes of credentialing  
14 and contracting as participating providers.

15 B. The provisions of this section shall not be  
16 construed to prevent an insurer from establishing varying  
17 reimbursement rates among mental health care practitioners  
18 based on quality or performance measures.

19 C. The provisions of this section apply to the  
20 following types of health benefit plans delivered or issued for  
21 delivery after January 1, 2020:

22 (1) an individual or group health insurance  
23 policy or plan or certificate of health insurance regulated in  
24 accordance with the provisions of Article 22 or 23 of the New  
25 Mexico Insurance Code;

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1 (2) a health maintenance organization contract  
2 regulated in accordance with the provisions of the Health  
3 Maintenance Organization Law; and

4 (3) a nonprofit health care plan regulated in  
5 accordance with the provisions of the Nonprofit Health Care  
6 Plan Law.

7 D. As used in this section:

8 (1) "health benefit plan" means a health  
9 insurance policy, health care plan, certificate of health  
10 insurance, health maintenance organization contract or  
11 nonprofit health care plan contract delivered or issued for  
12 delivery in this state;

13 (2) "mental health care practitioner" means an  
14 individual licensed to provide health care pursuant to the  
15 Counseling and Therapy Practice Act;

16 (3) "participating provider" means a mental  
17 health care practitioner or other provider who, under an  
18 express contract with an insurer or with its contractor or  
19 subcontractor, has agreed to provide health care services to  
20 insureds with an expectation of receiving payment, other than  
21 copayment or deductible, directly or indirectly from the  
22 insurer; and

23 (4) "professional art therapist" means an  
24 individual licensed as a professional art therapist pursuant to  
25 the Counseling and Therapy Practice Act."

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