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SENATE BILL 175

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Bernadette M. Sanchez

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 PROFESSIONAL CLINICAL MENTAL HEALTH COUNSELORS.

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,

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1 podiatrist, physician assistant, certified nurse-midwife,
2 registered lay midwife, [øø] registered nurse in expanded
3 practice, or professional clinical mental health counselor, as
4 defined in Subsection B of this section, for treatment of an
5 illness or injury within that person's scope of practice shall
6 not be restricted under any new policy of health insurance,
7 contract or health care plan issued after June 30, 1967 in this
8 state or in the processing of a claim thereunder. A person
9 insured or claiming benefits under any such health insurance
10 policy, contract or health care plan providing within its
11 coverage for payment of service benefits or indemnity for
12 hospital care or treatment of persons for the cure or
13 correction of any physical or mental condition shall be deemed
14 to have complied with the requirements of the policy, contract
15 or health care plan as to submission of proof of loss upon
16 submitting written proof supported by the certificate of any
17 hospital currently licensed by the department of health or any
18 practitioner of the healing arts or optometrist, psychologist,
19 podiatrist, physician assistant, certified nurse-midwife,
20 registered lay midwife, [øø] registered nurse in expanded
21 practice, or professional clinical mental health counselor.

22 B. As used in this section:

23 (1) "hospital care" means hospital service
24 provided through a hospital that is maintained by the state or
25 a political subdivision of the state or a place that is

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1 currently licensed as a hospital by the department of health
2 and has accommodations for resident bed patients, a licensed
3 professional registered nurse always on duty or call, a
4 laboratory and an operating room where surgical operations are
5 performed, but "hospital care" does not include a convalescent,
6 [~~or~~] nursing or rest home;

7 (2) "practitioner of the healing arts" means a
8 person holding a license or certificate authorizing the
9 licensee to offer or undertake to diagnose, treat, operate on
10 or prescribe for any human pain, injury, disease, deformity or
11 physical or mental condition pursuant to:

12 (a) the Chiropractic Physician Practice
13 Act;

14 (b) the Dental Health Care Act;

15 (c) the Medical Practice Act;

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

17 and

18 (e) the Acupuncture and Oriental
19 Medicine Practice Act;

20 (3) "professional clinical mental health
21 counselor" means an individual whom the counseling and therapy
22 practice board of the regulation and licensing department has
23 licensed as a professional clinical mental health counselor;

24 [~~(3)~~] (4) "optometrist" means a person holding
25 a license provided for in the Optometry Act;

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1 [~~(4)~~] (5) "podiatrist" means a person holding
2 a license provided for in the Podiatry Act;

3 [~~(5)~~] (6) "psychologist" means a person who is
4 duly licensed or certified in the state where the service is
5 rendered and has a doctoral degree in psychology and has had at
6 least two years of clinical experience in a recognized health
7 setting or has met the standards of the national register of
8 health service providers in psychology;

9 [~~(6)~~] (7) "physician assistant" means a person
10 who is licensed by the New Mexico medical board to practice as
11 a physician assistant and who provides services to patients
12 under the supervision and direction of a licensed physician;

13 [~~(7)~~] (8) "certified nurse-midwife" means a
14 person licensed by the board of nursing as a registered nurse
15 and who is registered with the public health division of the
16 department of health as a certified nurse-midwife;

17 [~~(8)~~] (9) "registered lay midwife" means a
18 person who practices lay midwifery and is registered as a
19 registered lay midwife by the public health division of the
20 department of health; and

21 [~~(9)~~] (10) "registered nurse in expanded
22 practice" means a person licensed by the board of nursing as a
23 registered nurse approved for expanded practice pursuant to the
24 Nursing Practice Act as a certified nurse practitioner,
25 certified registered nurse anesthetist, certified clinical

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1 nurse specialist in psychiatric mental health nursing or
2 clinical nurse specialist in private practice and who has a
3 master's degree or doctorate in a defined clinical nursing
4 speciality and is certified by a national nursing organization.

5 C. This section shall apply to any such policy that
6 is delivered or issued for delivery in this state on or after
7 July 1, 1979 and to any existing group policy or plan on its
8 anniversary or renewal date after June 30, 1979 or at
9 expiration of the applicable collective bargaining contract, if
10 any, whichever is later."

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