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SENATE BILL 345

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY

Mary Jane Garcia

AN ACT

RELATING TO INSURANCE; PROVIDING FOR PARITY FOR MENTAL HEALTH
INSURANCE; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. A new Section 59A-22-2.1 NMSA 1978 is
enacted to read:

"59A-22-2.1. [NEW MATERIAL] PARITY FOR MENTAL HEALTH
INSURANCE.--

A. An insurer, including a health maintenance
organization, nonprofit health care plan or fraternal benefit
society that offers a group health plan or an individual
health plan shall not impose treatment limitations or
financial requirements on the coverage of mental health
services if similar limitations or requirements are not
imposed on coverage of services for other conditions.

B. An insurer, including a health maintenance

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1 organization, nonprofit health care plan or fraternal benefit
2 society that offers a group health care plan or an individual
3 health care plan may:

4 (1) require pre-admission screening prior to
5 the authorization of mental health services if covered under
6 a plan; provided that pre-admission screening is required for
7 other coverage; and

8 (2) apply other limitations that restrict
9 coverage for mental health services to those that are
10 medically necessary, as required for other coverage."

11 Section 2. Section 59A-23-4 NMSA 1978 (being Laws 1984,
12 Chapter 127, Section 463, as amended by Laws 1997, Chapter 7,
13 Section 2 and by Laws 1997, Chapter 249, Section 2 and by
14 Laws 1997, Chapter 250, Section 2 and also by Laws 1997,
15 Chapter 255, Section 2) is amended to read:

16 "59A-23-4. OTHER PROVISIONS APPLICABLE.--

17 A. No blanket or group health insurance policy or
18 contract shall contain any provision relative to notice or
19 proof of loss or the time for paying benefits or the time
20 within which suit may be brought upon the policy that in the
21 superintendent's opinion is less favorable to the insured
22 than would be permitted in the required or optional
23 provisions for individual health insurance policies as set
24 forth in Chapter 59A, Article 22 NMSA 1978.

25 B. The following provisions of Chapter 59A,
Article 22 NMSA 1978 shall also apply as to Chapter 59A,
Article 23 NMSA 1978 and blanket and group health insurance

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contracts:

(1) Section 59A-22-1 NMSA 1978, except
Subsection C of that section; ~~[and]~~

(2) Section 59A-22-2.1 NMSA 1978; and
~~[+2]~~ (3) Section 59A-22-32 NMSA 1978.

C. The following provisions of Chapter 59A,
Article 22 NMSA 1978 shall also apply as to group health
insurance contracts:

(1) Section 59A-22-33 NMSA 1978;

(2) Section 59A-22-34 NMSA 1978;

(3) Section 59A-22-34.1 NMSA 1978;

(4) Section 59A-22-35 NMSA 1978;

(5) Section 59A-22-36 NMSA 1978;

(6) Section 59A-22-39 NMSA 1978;

(7) Section 59A-22-34.3 NMSA 1978;

(8) Section 59A-22-39.1 NMSA 1978;

~~[+7]~~ (9) Section 59A-22-40 NMSA 1978; and

~~[+8]~~ (10) Section 59A-22-41 NMSA 1978."