

HOUSE HEALTH AND HUMAN SERVICES COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 216

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

AN ACT

RELATING TO HEALTH COVERAGE; ENACTING SECTIONS OF THE HEALTH  
CARE PURCHASING ACT, PUBLIC ASSISTANCE ACT, CHAPTER 59A,  
ARTICLES 22 AND 23 NMSA 1978, THE HEALTH MAINTENANCE  
ORGANIZATION LAW AND THE NONPROFIT HEALTH CARE PLAN LAW 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

.207505.2

underscored material = new  
[bracketed material] = delete

1 therapists like any other mental health practitioner for  
2 purposes of credentialing and contracting as participating  
3 providers.

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

8 C. As used in this section:

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

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

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

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

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

.207505.2

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

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

12           C. As used in this section:

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

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

25                   (3) "professional art therapist" means an

.207505.2

1 individual licensed as a professional art therapist pursuant to  
2 the Counseling and Therapy Practice Act."

3 SECTION 3. A new section of Chapter 59A, Article 22 NMSA  
4 1978 is enacted to read:

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

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

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

18 C. As used in this section:

19 (1) "mental health care practitioner" means an  
20 individual licensed to provide health care pursuant to the  
21 Counseling and Therapy Practice Act;

22 (2) "participating provider" means a mental  
23 health care practitioner or other provider who, under an  
24 express contract with an insurer or with its contractor or  
25 subcontractor, has agreed to provide health care services to

.207505.2

1 insureds with an expectation of receiving payment, other than  
2 copayment or deductible, directly or indirectly from the  
3 insurer; and

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

7 SECTION 4. A new section of Chapter 59A, Article 23 NMSA  
8 1978 is enacted to read:

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

11 A. A group or blanket health insurance plan, policy  
12 or certificate of insurance that covers services that are  
13 within the scope of practice of professional art therapists  
14 shall not discriminate against professional art therapists and  
15 shall treat professional art therapists like any other mental  
16 health practitioner for purposes of credentialing and  
17 contracting as participating providers.

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

22 C. As used in this section:

23 (1) "health care practitioner" means an  
24 individual licensed to provide health care pursuant to the  
25 Counseling and Therapy Practice Act;

.207505.2

1 (2) "participating provider" means a mental  
2 health care practitioner or other provider who, under an  
3 express contract with an insurer or with its contractor or  
4 subcontractor, has agreed to provide health care services to  
5 insureds with an expectation of receiving payment, other than  
6 copayment or deductible, directly or indirectly from the  
7 insurer; and

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

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

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

15 A. Health coverage provided pursuant to an  
16 individual or group health maintenance organization contract  
17 that covers services that are within the scope of practice of  
18 professional art therapists shall not discriminate against  
19 professional art therapists and shall treat professional art  
20 therapists like any other mental health practitioner for  
21 purposes of credentialing and contracting as participating  
22 providers.

23 B. The provisions of this section shall not be  
24 construed to prevent a health maintenance organization from  
25 establishing varying reimbursement rates among health care

.207505.2

1 practitioners based on quality or performance measures.

2 C. As used in this section:

3 (1) "mental health care practitioner" means an  
4 individual licensed to provide health care pursuant to the  
5 Counseling and Therapy Practice Act; and

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

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

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

13 A. An individual or group nonprofit health care  
14 plan that covers services that are within the scope of practice  
15 of professional art therapists shall not discriminate against  
16 professional art therapists and shall treat professional art  
17 therapists like any other mental health practitioner for  
18 purposes of credentialing and contracting as participating  
19 providers.

20 B. The provisions of this section shall not be  
21 construed to prevent a health care plan from establishing  
22 varying reimbursement rates among health care practitioners  
23 based on quality or performance measures.

24 C. As used in this section:

25 (1) "mental health care practitioner" means an

.207505.2

underscored material = new  
[bracketed material] = delete

1 individual licensed to provide health care pursuant to the  
2 Counseling and Therapy Practice Act;

3 (2) "participating provider" means a mental  
4 health care practitioner or other provider who, under an  
5 express contract with a health care plan or with its contractor  
6 or subcontractor, has agreed to provide health care services to  
7 subscribers with an expectation of receiving payment, other  
8 than copayment or deductible, directly or indirectly from the  
9 health care plan; and

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