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FISCAL IMPACT REPORT

ORIGINAL DATE 03/10/17

SPONSOR HHHCS LAST UPDATED _____ HB 216/HHHCS

SHORT TITLE Professional Art Therapist Discrimination SB _____

ANALYST Sánchez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Relates SB151

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Retiree Healthcare Association (NMRHCA)
 Office of the Superintendent of Insurance (OSI)
 Regulation and Licensing Department (RLD)
 Economic Development Department (EDD)

SUMMARY

Synopsis of HHHSC Substitute

House Health and Human Services Committee substitute for House Bill 216 proposes the following changes to the Health Care Purchasing Act (Chapter 13 Article 7 NMSA 1978), Public Assistance Act (Section 27-2-1 NMSA 1978), Insurance Code: Health Insurance Contracts (Section 59A-22-1 through 59A-22-7 NMSA 1978), Group and Blanket Health Insurance (Section 59A-23-1 through 59A-23-14 NMSA 1978), Health Maintenance Organizations (59A-46-1 through 59A-46-54 NMSA 1978), Nonprofit Health Care Plan (Section 59A-47-1 through 59A-47-49 NMSA 1978):

- Adds professional art therapists,
- Prohibits discrimination against professional art therapists,
- Requires professional art therapists to be treated like any other mental health practitioner,
- Allows for varying reimbursement rates among mental health care practitioners based on quality or performance measures, and
- Defines mental health care practitioner, participating provider and professional art

therapist.

FISCAL IMPLICATIONS

The New Mexico Retiree Health Care Authority does not anticipate a measureable fiscal impact associated with the proposed legislation.

SIGNIFICANT ISSUES

The Regulations and Licensing Department (RLD) opines that the bill will allow professional art therapist to be reimbursed for their services within the scope of practice for art therapists and to be treated like other mental-health-care providers licensed by the Counseling and Therapy Practice Board.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to Senate Bill 151 Art Therapist Discrimination

OTHER SUBSTANTIVE ISSUES

According to the American Art Therapy Association, art therapy is widely practiced in a wide variety of settings including hospitals, psychiatric and rehabilitation facilities, wellness centers, forensic institutions, schools, crisis centers, senior communities, private practice, and other clinical and community settings. During individual and/or group sessions art therapists elicit their clients' inherent capacity for art making to enhance their physical, mental, and emotional well-being. Research supports the use of art therapy within a professional relationship for the therapeutic benefits gained through artistic self-expression and reflection for individuals who experience illness, trauma, and mental health problems and those seeking personal growth.

The Office of the Superintendent of Insurance (OSI) states that in the existing network adequacy regulations for the Insurance Code, health insurance carriers are not required to have any particular kind of behavioral health providers (although they must have enough behavioral health providers to serve the area in which the consumer resides). OSI has a workgroup with stakeholders, to rework the network adequacy regulations using the model provided by the National Association of Insurance Commissioners (NAIC). Therefore, there is the probability that in the future, revised regulations will include more specific behavioral-health-type providers, notably those called out in the New Mexico Counseling and Therapy Practice Act. OSI would welcome comments from art therapists to its network adequacy workgroup.

ABS/jle