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AN ACT

RELATING TO HEALTH COVERAGE; ENACTING SECTIONS OF THE HEALTH CARE PURCHASING ACT, THE NEW MEXICO INSURANCE CODE, THE HEALTH MAINTENANCE ORGANIZATION LAW AND THE NONPROFIT HEALTH CARE PLAN LAW TO ESTABLISH LIMITS ON COST SHARING FOR PHYSICAL REHABILITATION SERVICES.

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:

"PHYSICAL REHABILITATION SERVICES--LIMITS ON COST SHARING.--

A. Group health coverage, including any form of self-insurance, offered, issued or renewed under the Health Care Purchasing Act that offers coverage of physical rehabilitation services shall not impose a member cost share for physical rehabilitation services that is greater than that for primary care services on a coinsurance percentage basis when coinsurance is applied or on an absolute dollar amount when a copay is applied.

B. As used in this section:

(1) "physical rehabilitation services" means services aimed at maximizing an individual's level of function, returning to a prior level of function or maintaining or slowing the decline of function, which

1 services are provided by or under the direction of a licensed
2 physical therapist, occupational therapist or speech
3 therapist; and

4 (2) "primary care services" means the first
5 level of basic or general health care for a person's health
6 needs, including diagnostic and treatment services,
7 initiation of referrals for other health care services and
8 maintenance of the continuity of care when appropriate."

9 SECTION 2. A new section of Chapter 59A, Article 22
10 NMSA 1978 is enacted to read:

11 "PHYSICAL REHABILITATION SERVICES--LIMITS ON COST
12 SHARING.--

13 A. An individual or group health insurance policy,
14 health care plan or certificate of health insurance that is
15 delivered, issued for delivery or renewed in this state shall
16 not impose a member cost share for physical rehabilitation
17 services that is greater than that for primary care services
18 on a coinsurance percentage basis when coinsurance is applied
19 or on an absolute dollar amount when a copay is applied.

20 B. As used in this section:

21 (1) "physical rehabilitation services" means
22 services aimed at maximizing an individual's level of
23 function, returning to a prior level of function or
24 maintaining or slowing the decline of function, which
25 services are provided by or under the direction of a licensed

1 physical therapist, occupational therapist or speech
2 therapist; and

3 (2) "primary care services" means the first
4 level of basic or general health care for a person's health
5 needs, including diagnostic and treatment services,
6 initiation of referrals for other health care services and
7 maintenance of the continuity of care when appropriate."

8 SECTION 3. A new section of Chapter 59A, Article 23
9 NMSA 1978 is enacted to read:

10 "PHYSICAL REHABILITATION SERVICES--LIMITS ON COST
11 SHARING.--

12 A. A group or blanket health insurance policy,
13 health care plan or certificate of health insurance that is
14 delivered, issued for delivery or renewed in this state shall
15 not impose a member cost share for physical rehabilitation
16 services that is greater than that for primary care services
17 on a coinsurance percentage basis when coinsurance is applied
18 or on an absolute dollar amount when a copay is applied.

19 B. As used in this section:

20 (1) "physical rehabilitation services" means
21 services aimed at maximizing an individual's level of
22 function, returning to a prior level of function or
23 maintaining or slowing the decline of function, which
24 services are provided by or under the direction of a licensed
25 physical therapist, occupational therapist or speech

1 therapist; and

2 (2) "primary care services" means the first
3 level of basic or general health care for a person's health
4 needs, including diagnostic and treatment services,
5 initiation of referrals for other health care services and
6 maintenance of the continuity of care when appropriate."

7 SECTION 4. A new section of the Health Maintenance
8 Organization Law is enacted to read:

9 "PHYSICAL REHABILITATION SERVICES--LIMITS ON COST
10 SHARING.--

11 A. An individual or group health maintenance
12 contract that is delivered, issued for delivery or renewed in
13 this state shall not impose a member cost share for physical
14 rehabilitation services that is greater than that for primary
15 care services on a coinsurance percentage basis when
16 coinsurance is applied or on an absolute dollar amount when a
17 copay is applied.

18 B. As used in this section:

19 (1) "physical rehabilitation services" means
20 services aimed at maximizing an individual's level of
21 function, returning to a prior level of function or
22 maintaining or slowing the decline of function, which
23 services are provided by or under the direction of a licensed
24 physical therapist, occupational therapist or speech
25 therapist; and

1 (2) "primary care services" means the first
2 level of basic or general health care for a person's health
3 needs, including diagnostic and treatment services,
4 initiation of referrals for other health care services and
5 maintenance of the continuity of care when appropriate."

6 **SECTION 5.** A new section of the Nonprofit Health Care
7 Plan Law is enacted to read:

8 "PHYSICAL REHABILITATION SERVICES--LIMITS ON COST
9 SHARING.--

10 A. An individual or group health care plan that is
11 delivered, issued for delivery or renewed in this state shall
12 not impose a member cost share for physical rehabilitation
13 services that is greater than that for primary care services
14 on a coinsurance percentage basis when coinsurance is applied
15 or on an absolute dollar amount when a copay is applied.

16 B. As used in this section:

17 (1) "physical rehabilitation services" means
18 services aimed at maximizing an individual's level of
19 function, returning to a prior level of function or
20 maintaining or slowing the decline of function, which
21 services are provided by or under the direction of a licensed
22 physical therapist, occupational therapist or speech
23 therapist; and

24 (2) "primary care services" means the first
25 level of basic or general health care for a person's health

1 needs, including diagnostic and treatment services,
2 initiation of referrals for other health care services and
3 maintenance of the continuity of care when appropriate."

4 SECTION 6. EFFECTIVE DATE.--The effective date of the
5 provisions of this act is January 1, 2020." _____

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