

HOUSE BILL 42

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

Deborah A. Armstrong

This document incorporates amendments that have been adopted during the current legislative session. The document is a tool to show the amendments in context and is not to be used for the purpose of amendments.

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO HEALTH COVERAGE; ENACTING SECTIONS OF THE

HHHC→~~GROUP BENEFITS~~←HHHC HHHC→HEALTH CARE PURCHASING←HHHC

ACT, THE PUBLIC ASSISTANCE ACT, THE NEW MEXICO INSURANCE CODE, THE HEALTH MAINTENANCE ORGANIZATION LAW AND THE NONPROFIT HEALTH CARE PLAN LAW TO ESTABLISH REIMBURSEMENT PARITY BETWEEN CERTIFIED PHARMACISTS CLINICIANS, CERTAIN PHARMACISTS AND CERTAIN OTHER LICENSED HEALTH PROFESSIONALS FOR THE SAME CLINICAL SERVICES.

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

.215903.1AIC January 28, 2020 (3:37pm)AIC

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SECTION 1. A new section of the ~~HHHC~~ ~~Group Benefits~~ ~~HHHC~~ ~~HHHC~~ ~~Health Care Purchasing~~ ~~HHHC~~ Act is enacted to read:

"[NEW MATERIAL] PHARMACIST PRESCRIPTIVE AUTHORITY SERVICES--REIMBURSEMENT PARITY.--A ~~Hf12~~ ~~HHHC~~ ~~group health plan~~ ~~HHHC~~ ~~Hf12~~ ~~A group health plan~~ ~~Hf12~~ ~~Hf12~~ ~~HHHC~~ ~~Group health care coverage, including any form of self-insurance offered, issued or renewed under the Health Care Purchasing Act,~~ ~~HHHC~~ ~~Hf12~~ shall not discriminate with respect to reimbursement under the group health plan against a ~~Hf11~~ ~~participating provider that is a~~ ~~Hf11~~ ~~certified pharmacist clinician or pharmacist certified to provide a prescriptive authority service who is acting within the scope of certification.~~ ~~The~~ ~~Hf12~~ group health plan shall reimburse a ~~Hf11~~ ~~participating provider that is a~~ ~~Hf11~~ ~~certified pharmacist clinician or pharmacist certified to provide a prescriptive authority service who provides a service at the~~ ~~Hf11~~ ~~same~~ ~~Hf11~~ ~~Hf11~~ ~~standard contracted~~ ~~Hf11~~ rate that the group health plan reimburses, for the same service under that group health plan, any licensed physician or physician assistant licensed pursuant to the Medical Practice Act or the Osteopathic Medicine Act or any advanced practice certified nurse practitioner licensed pursuant to the Nursing Practice Act."

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

"[NEW MATERIAL] PHARMACIST PRESCRIPTIVE AUTHORITY

SERVICES--REIMBURSEMENT PARITY.--Hf12→~~The department shall ensure that any medical assistance program or contractor providing services to the medical assistance program does not discriminate with respect to reimbursement under the medical assistance program against a Hf11→participating provider that is a←Hf11 certified pharmacist clinician or pharmacist certified to provide a prescriptive authority service who is acting within the scope of certification. The←Hf12~~

Hf12→A←Hf12 medical assistance program or its contractor shall reimburse a Hf11→participating provider that is a←Hf11 certified pharmacist clinician or pharmacist certified to provide a prescriptive authority service who provides a service at the Hf11→same←Hf11 Hf11→standard contracted←Hf11 rate that the medical assistance program reimburses, for the same service under that program, any licensed physician or physician assistant licensed pursuant to the Medical Practice Act or the Osteopathic Medicine Act or any advanced practice certified nurse practitioner licensed pursuant to the Nursing Practice Act."

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

"[NEW MATERIAL] PHARMACIST PRESCRIPTIVE AUTHORITY

SERVICES--REIMBURSEMENT PARITY.--Hf12→~~An insurer shall not discriminate with respect to reimbursement pursuant to an~~

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~~individual health insurance policy, health care plan or certificate of health insurance that is delivered, issued for delivery or renewed in this state against a Hfl1 participating provider that is a Hfl1 certified pharmacist clinician or pharmacist certified to provide a prescriptive authority service who is acting within the scope of certification.~~

~~The~~ Hfl2 Hfl2 ~~An~~ Hfl2 insurer shall reimburse a Hfl1 participating provider that is a Hfl1 certified pharmacist clinician or pharmacist certified to provide a prescriptive authority service who provides a service pursuant to a health insurance plan, policy or certificate of health insurance at the Hfl1 ~~same~~ Hfl1 Hfl1 ~~standard contracted~~ Hfl1 rate that the health insurance policy, health care plan or certificate of health insurance reimburses, for the same service pursuant to that policy, plan or certificate, any licensed physician or physician assistant licensed pursuant to the Medical Practice Act or the Osteopathic Medicine Act or any advanced practice certified nurse practitioner licensed pursuant to the Nursing Practice Act."

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

"[NEW MATERIAL] PHARMACIST PRESCRIPTIVE AUTHORITY SERVICES--REIMBURSEMENT PARITY.--Hfl2 ~~An insurer shall not discriminate with respect to reimbursement pursuant to a group or blanket health insurance policy, health care plan or~~

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~~certificate of health insurance that is delivered, issued for delivery or renewed in this state against a Hf11→participating provider that is a←Hf11 certified pharmacist clinician or pharmacist certified to provide a prescriptive authority service who is acting within the scope of certification.~~

The←Hf12 Hf12→An←Hf12 insurer shall reimburse a Hf11→participating provider that is a←Hf11 certified pharmacist clinician or pharmacist certified to provide a prescriptive authority service who provides a service pursuant to a health insurance plan, policy or certificate of health insurance at the Hf11→same←Hf11 Hf11→standard contracted←Hf11 rate that the health insurance policy, health care plan or certificate of health insurance reimburses, for the same service pursuant to that policy, plan or certificate, any licensed physician or physician assistant licensed pursuant to the Medical Practice Act or the Osteopathic Medicine Act or any advanced practice certified nurse practitioner licensed pursuant to the Nursing Practice Act."

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

"[NEW MATERIAL] PHARMACIST PRESCRIPTIVE AUTHORITY SERVICES--REIMBURSEMENT PARITY.--A Hf12→carrier shall not discriminate with respect to reimbursement pursuant to an individual or group health maintenance organization contract that is delivered, issued for delivery or renewed in this state

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~~against a Hf11 participating provider that is a Hf11 certified pharmacist clinician or pharmacist certified to provide a prescriptive authority service who is acting within the scope of certification. The~~ Hf12 carrier shall reimburse a Hf11 participating provider that is a Hf11 certified pharmacist clinician or pharmacist certified to provide a prescriptive authority service who provides a service pursuant to an individual or group contract at the Hf11 same Hf11 Hf11 standard contracted Hf11 rate that the carrier reimburses, for the same service under that individual or group contract, any licensed physician or physician assistant licensed pursuant to the Medical Practice Act or the Osteopathic Medicine Act or any advanced practice certified nurse practitioner licensed pursuant to the Nursing Practice Act."

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

"[NEW MATERIAL] PHARMACIST PRESCRIPTIVE AUTHORITY SERVICES--REIMBURSEMENT PARITY.--A Hf12 health care plan shall not discriminate with respect to reimbursement pursuant to a subscriber contract that is delivered, issued for delivery or renewed in this state against a Hf11 participating provider that is a Hf11 certified pharmacist clinician or pharmacist certified to provide a prescriptive authority service who is acting within the scope of certification. The Hf12 health care

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plan shall reimburse a Hfl1→participating provider that is
a←Hfl1 certified pharmacist clinician or pharmacist certified
to provide a prescriptive authority service who provides a
service pursuant to a subscriber at the same rate that the
carrier reimburses, for the Hfl1→same←Hfl1 Hfl1→standard
contracted←Hfl1 service under that subscriber contract, any
licensed physician or physician assistant licensed pursuant to
the Medical Practice Act or the Osteopathic Medicine Act or any
advanced practice certified nurse practitioner licensed
pursuant to the Nursing Practice Act."