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SENATE BILL 390

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Katy M. Duhigg

AN ACT

RELATING TO INSURANCE; REQUIRING BEHAVIORAL AND MENTAL HEALTH CARE PROVIDERS TO BE REIMBURSED FOR ALL NECESSARY SERVICES THAT THEY PROVIDE.

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

SECTION 1. Section 13-7-32 NMSA 1978 (being Laws 2023, Chapter 114, Section 3) is amended to read:

"13-7-32. PARITY FOR COVERAGE OF MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES--PARITY FOR REIMBURSEMENT.--

A. The office of superintendent of insurance shall ensure that an insurer complies with federal and state laws, rules and regulations applicable to coverage for mental health or substance use disorder services.

B. An insurer shall not impose quantitative treatment limitations, financial restrictions, limitations or

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1 requirements on the provision of mental health or substance use
2 disorder services that are more restrictive than the
3 predominant restrictions, limitations or requirements that are
4 imposed on substantially all of the coverage of benefits for
5 other conditions.

6 C. An insurer shall not impose non-quantitative
7 treatment limitations for the treatment of mental health or
8 substance use disorders or conditions unless factors, including
9 the processes, strategies or evidentiary standards used in
10 applying the non-quantitative treatment limitation, as written
11 and in operation, are comparable to and are applied no more
12 restrictively than the factors used in applying the limitation
13 to medical or surgical benefits in the classification.

14 D. An insurer shall pay or reimburse a behavioral
15 or mental health care provider for all medically necessary
16 services that the health care provider performs, regardless of
17 the health care provider's designation as a behavioral or
18 mental health care provider; provided that the service is
19 within the scope and limitations of the provider's license."

20 SECTION 2. A new section of Chapter 59A, Article 22 NMSA
21 1978 is enacted to read:

22 "[NEW MATERIAL] PARITY FOR REIMBURSEMENT TO BEHAVIORAL AND
23 MENTAL HEALTH CARE PROVIDERS.--An insurer shall pay or
24 reimburse a behavioral or mental health care provider for all
25 medically necessary services that the health care provider

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1 performs, regardless of the health care provider's designation
2 as a behavioral or mental health care provider; provided that
3 the service is within the scope and limitations of the
4 provider's license."

5 SECTION 3. Section 59A-23-24 NMSA 1978 (being Laws 2023,
6 Chapter 114, Section 16) is amended to read:

7 "59A-23-24. PARITY FOR COVERAGE OF MENTAL HEALTH OR
8 SUBSTANCE USE DISORDER SERVICES--PARITY FOR REIMBURSEMENT.--

9 A. The office of superintendent of insurance shall
10 ensure that an insurer complies with federal and state laws,
11 rules and regulations applicable to coverage for mental health
12 or substance use disorder services.

13 B. An insurer shall not impose quantitative
14 treatment limitations, financial restrictions, limitations or
15 requirements on the provision of mental health or substance use
16 disorder services that are more restrictive than the
17 predominant restrictions, limitations or requirements that are
18 imposed on substantially all of the coverage of benefits for
19 other conditions.

20 C. An insurer shall not impose non-quantitative
21 treatment limitations for the treatment of mental health or
22 substance use disorders or conditions unless factors, including
23 the processes, strategies or evidentiary standards used in
24 applying the non-quantitative treatment limitation, as written
25 and in operation, are comparable to and are applied no more

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1 restrictively than the factors used in applying the limitation
2 with respect to medical or surgical benefits in the
3 classification.

4 D. An insurer shall pay or reimburse a behavioral
5 or mental health care provider for all medically necessary
6 services that the health care provider performs, regardless of
7 the health care provider's designation as a behavioral or
8 mental health care provider; provided that the service is
9 within the scope and limitations of the provider's license."

10 SECTION 4. Section 59A-46-63 NMSA 1978 (being Laws 2023,
11 Chapter 114, Section 27) is amended to read:

12 "59A-46-63. PARITY FOR COVERAGE OF MENTAL HEALTH OR
13 SUBSTANCE USE DISORDER SERVICES--PARITY FOR REIMBURSEMENT---

14 A. The office of superintendent of insurance shall
15 ensure that a carrier complies with federal and state laws,
16 rules and regulations applicable to coverage for mental health
17 or substance use disorder services.

18 B. A carrier shall not impose quantitative
19 treatment limitations, financial restrictions, limitations or
20 requirements on the provision of mental health or substance use
21 disorder services that are more restrictive than the
22 predominant restrictions, limitations or requirements that are
23 imposed on substantially all of the coverage of benefits for
24 other conditions.

25 C. A carrier shall not impose non-quantitative

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1 treatment limitations for the treatment of mental health or
2 substance use disorders or conditions unless factors, including
3 the processes, strategies or evidentiary standards used in
4 applying the non-quantitative treatment limitation, as written
5 and in operation, are comparable to and are applied no more
6 restrictively than the factors used in applying the limitation
7 with respect to medical or surgical benefits in the
8 classification.

9 D. A carrier shall pay or reimburse a behavioral or
10 mental health care provider for all medically necessary
11 services that the health care provider performs, regardless of
12 the health care provider's designation as a behavioral or
13 mental health care provider; provided that the service is
14 within the scope and limitations of the provider's license."

15 SECTION 5. Section 59A-47-58 NMSA 1978 (being Laws 2023,
16 Chapter 114, Section 37) is amended to read:

17 "59A-47-58. PARITY FOR COVERAGE OF MENTAL HEALTH OR
18 SUBSTANCE USE DISORDER SERVICES--PARITY FOR REIMBURSEMENT---

19 A. The office of superintendent of insurance shall
20 ensure that a health care plan complies with federal and state
21 laws, rules and regulations applicable to coverage for mental
22 health or substance use disorder services.

23 B. A health care plan shall not impose quantitative
24 treatment limitations, financial restrictions, limitations or
25 requirements on the provision of mental health or substance use

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1 disorder services that are more restrictive than the
2 predominant restrictions, limitations or requirements that are
3 imposed on substantially all of the coverage of benefits for
4 other conditions.

5 C. A health care plan shall not impose non-
6 quantitative treatment limitations for the treatment of mental
7 health or substance use disorders or conditions unless factors,
8 including the processes, strategies or evidentiary standards
9 used in applying the non-quantitative treatment limitation, as
10 written and in operation, are comparable to and are applied no
11 more restrictively than the factors used in applying the
12 limitation with respect to medical or surgical benefits in the
13 classification.

14 D. A health care plan shall pay or reimburse a
15 behavioral or mental health care provider for all medically
16 necessary services that the health care provider performs,
17 regardless of the health care provider's designation as a
18 behavioral or mental health care provider; provided that the
19 service is within the scope and limitations of the provider's
20 license."