

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 430

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO HEALTH; REQUIRING CERTAIN COVERAGE BY HEALTH CARE ORGANIZATIONS; AMENDING THE PATIENT PROTECTION ACT.

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

Section 1. Section 59A-57-4 NMSA 1978 (being Laws 1998, Chapter 107, Section 4) is amended to read:

"59A-57-4. PATIENT RIGHTS--DISCLOSURES--RIGHTS TO BASIC AND COMPREHENSIVE HEALTH CARE SERVICES--GRIEVANCE PROCEDURE--UTILIZATION REVIEW PROGRAM--CONTINUOUS QUALITY PROGRAM.--

A. Each covered person enrolled in a managed health care plan has the right to be treated fairly. A managed health care plan shall arrange for the delivery of good quality and appropriate health care services to enrollees as defined in the particular subscriber agreement. The department shall adopt regulations to implement the provisions of the Patient Protection Act and shall monitor

.131847.3

underscored material = new  
~~[bracketed material]~~ = delete

underscored material = new  
~~[bracketed material] = delete~~

1 and oversee a managed health care plan to ensure that each  
2 covered person enrolled in a plan is treated fairly and in  
3 accordance with the requirements of the Patient Protection  
4 Act. In adopting regulations to implement the provisions of  
5 Subparagraphs (a) and (b) of Paragraph ~~[+3]~~ (4) and  
6 Paragraphs ~~[+5] and [+6]~~ (6) and (7) of Subsection B of this  
7 section regarding health care standards and specialists,  
8 utilization review programs and continuous quality  
9 improvement programs, the department shall cooperate with and  
10 seek advice from the department of health.

11 B. The regulations adopted by the department to  
12 protect patient rights shall provide at a minimum that:

13 (1) prior to or at the time of enrollment, a  
14 managed health care plan shall provide a summary of benefits  
15 and exclusions, premium information and a provider listing.  
16 Within a reasonable time after enrollment and at subsequent  
17 periodic times as appropriate, a managed health care plan  
18 shall provide written material that contains, in a clear,  
19 conspicuous and readily understandable form, a full and fair  
20 disclosure of the plan's benefits, limitations, exclusions,  
21 conditions of eligibility, prior authorization requirements,  
22 enrollee financial responsibility for payments, grievance  
23 procedures, appeal rights and the patients' rights generally  
24 available to all covered persons;

25 (2) a managed health care plan shall provide  
health care services that are reasonably accessible and  
available in a timely manner to each covered person;

underscored material = new  
~~[bracketed material] = delete~~

1                   (3) a managed health care plan shall provide  
2 coverage for experimental or investigational treatment or  
3 procedures, provided they are recommended by the patient's  
4 physician as reasonably medically necessary to preserve the  
5 life of the patient and provided the experimental or  
6 investigational treatment or procedures are approved as an  
7 ongoing or completed experiment or clinical trial  
8 investigation by the United States food and drug  
9 administration;

10                   ~~(3)~~ (4) in providing reasonably accessible  
11 health care services that are available in a timely manner, a  
12 managed health care plan shall ensure that:

13                                 (a) the plan offers sufficient numbers  
14 and types of qualified and adequately staffed health care  
15 providers at reasonable hours of service to provide health  
16 care services to the plan's enrollees;

17                                 (b) health care providers that are  
18 specialists may act as primary care providers for patients  
19 with chronic medical conditions; provided the specialists  
20 offer all basic health care services that are required of  
21 them by a managed health care plan;

22                                 (c) reasonable access is provided to  
23 out-of-network health care providers if medically necessary  
24 covered services are not reasonably available through  
25 participating health care providers or if necessary to  
provide continuity of care during brief transition periods;

(d) emergency care is immediately

underscored material = new  
~~[bracketed material] = delete~~

1 available without prior authorization requirements, and  
2 appropriate out-of-network emergency care is not subject to  
3 additional costs; and

4 (e) the plan, through provider  
5 selection, provider education, the provision of additional  
6 resources or other means, reasonably addresses the cultural  
7 and linguistic diversity of its enrollee population;

8 ~~[+4]~~ (5) a managed health care plan shall  
9 adopt and implement a prompt and fair grievance procedure for  
10 resolving patient complaints and addressing patient questions  
11 and concerns regarding any aspect of the plan, including the  
12 quality of and access to health care, the choice of health  
13 care provider or treatment and the adequacy of the plan's  
14 provider network. The grievance procedure shall notify  
15 patients of their right to obtain review by the plan, their  
16 right to obtain review by the superintendent, their right to  
17 expedited review of emergent utilization decisions and their  
18 rights under the Patient Protection Act;

19 ~~[+5]~~ (6) a managed health care plan shall  
20 adopt and implement a comprehensive utilization review  
21 program. The basis of a decision to deny care shall be  
22 disclosed to an affected enrollee. The decision to approve  
23 or deny care to an enrollee shall be made in a timely manner,  
24 and the final decision shall be made by a qualified health  
25 care professional. A plan's utilization review program shall  
ensure that enrollees have proper access to health care  
services, including referrals to necessary specialists. A

.131847.3

