

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

HOUSE BILL 258

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

Miguel P. Garcia

AN ACT

RELATING TO HEALTH INSURANCE; AMENDING A SECTION OF THE NEW MEXICO INSURANCE CODE TO PROVIDE FOR FREEDOM OF CHOICE OF HOSPITAL AND PRACTITIONER TO INCLUDE LICENSED PROFESSIONAL MENTAL HEALTH COUNSELORS AND THERAPISTS.

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

**SECTION 1.** Section 59A-22-32 NMSA 1978 (being Laws 1984, Chapter 127, Section 454, as amended) is amended to read:

"59A-22-32. FREEDOM OF CHOICE OF HOSPITAL AND PRACTITIONER.--

A. Within the area and limits of coverage offered an insured and selected by the insured in the application for insurance, the right of a person to exercise full freedom of choice in the selection of a hospital for hospital care or of a practitioner of the healing arts or optometrist, psychologist,

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

underscored material = new  
[bracketed material] = delete

1     podiatrist, physician assistant, certified nurse-midwife,  
2     registered lay midwife, [ø] registered nurse in expanded  
3     practice or licensed professional mental health counselor or  
4     therapist, as defined in Subsection B of this section, for  
5     treatment of an illness or injury within that person's scope of  
6     practice shall not be restricted under any new policy of health  
7     insurance, contract or health care plan issued after June 30,  
8     1967 in this state or in the processing of a claim thereunder.  
9     A person insured or claiming benefits under any such health  
10    insurance policy, contract or health care plan providing within  
11    its coverage for payment of service benefits or indemnity for  
12    hospital care or treatment of persons for the cure or  
13    correction of any physical or mental condition shall be deemed  
14    to have complied with the requirements of the policy, contract  
15    or health care plan as to submission of proof of loss upon  
16    submitting written proof supported by the certificate of any  
17    hospital currently licensed by the department of health or any  
18    practitioner of the healing arts or optometrist, psychologist,  
19    podiatrist, physician assistant, certified nurse-midwife,  
20    registered lay midwife, [ø] registered nurse in expanded  
21    practice or licensed professional mental health counselor or  
22    therapist.

23           B. As used in this section:

24                 (1) "hospital care" means hospital service  
25     provided through a hospital that is maintained by the state or

.199262.1

underscored material = new  
[bracketed material] = delete

1 a political subdivision of the state or a place that is  
2 currently licensed as a hospital by the department of health  
3 and has accommodations for resident bed patients, a licensed  
4 professional registered nurse always on duty or call, a  
5 laboratory and an operating room where surgical operations are  
6 performed, but "hospital care" does not include a convalescent  
7 or nursing or rest home;

8 (2) "licensed professional mental health  
9 counselor or therapist" means one of the following individuals  
10 licensed by the counseling and therapy practice board:

11 (a) a licensed professional clinical  
12 mental health counselor;

13 (b) a licensed alcohol and drug abuse  
14 counselor;

15 (c) a licensed marriage and family  
16 therapist;

17 (d) a licensed professional art  
18 therapist;

19 (e) a licensed mental health counselor;

20 (f) a licensed substance abuse  
21 associate; or

22 (g) a licensed associate marriage and  
23 family therapist;

24 (3) "practitioner of the healing arts" means a  
25 person holding a license or certificate authorizing the

.199262.1

1 licensee to offer or undertake to diagnose, treat, operate on  
2 or prescribe for any human pain, injury, disease, deformity or  
3 physical or mental condition pursuant to:

4 (a) the Chiropractic Physician Practice  
5 Act;

6 (b) the Dental Health Care Act;

7 (c) the Medical Practice Act;

8 (d) Chapter 61, Article 10 NMSA 1978;

9 and

10 (e) the Acupuncture and Oriental  
11 Medicine Practice Act;

12 [~~(3)~~] (4) "optometrist" means a person holding  
13 a license provided for in the Optometry Act;

14 [~~(4)~~] (5) "podiatrist" means a person holding  
15 a license provided for in the Podiatry Act;

16 [~~(5)~~] (6) "psychologist" means a person who is  
17 duly licensed or certified in the state where the service is  
18 rendered and has a doctoral degree in psychology and has had at  
19 least two years of clinical experience in a recognized health  
20 setting or has met the standards of the national register of  
21 health service providers in psychology;

22 [~~(6)~~] (7) "physician assistant" means a person  
23 who is licensed by the New Mexico medical board to practice as  
24 a physician assistant and who provides services to patients  
25 under the supervision and direction of a licensed physician;

.199262.1

underscored material = new  
[bracketed material] = delete

1                    [~~(7)~~] (8) "certified nurse-midwife" means a  
2 person licensed by the board of nursing as a registered nurse  
3 and who is registered with the public health division of the  
4 department of health as a certified nurse-midwife;

5                    [~~(8)~~] (9) "registered lay midwife" means a  
6 person who practices lay midwifery and is registered as a  
7 registered lay midwife by the public health division of the  
8 department of health; and

9                    [~~(9)~~] (10) "registered nurse in expanded  
10 practice" means a person licensed by the board of nursing as a  
11 registered nurse approved for expanded practice pursuant to the  
12 Nursing Practice Act as a certified nurse practitioner,  
13 certified registered nurse anesthetist, certified clinical  
14 nurse specialist in psychiatric mental health nursing or  
15 clinical nurse specialist in private practice and who has a  
16 master's degree or doctorate in a defined clinical nursing  
17 [~~speciality~~] specialty and is certified by a national nursing  
18 organization.

19                    [~~G. This section shall apply to any such policy~~  
20 ~~that is delivered or issued for delivery in this state on or~~  
21 ~~after July 1, 1979 and to any existing group policy or plan on~~  
22 ~~its anniversary or renewal date after June 30, 1979 or at~~  
23 ~~expiration of the applicable collective bargaining contract, if~~  
24 ~~any, whichever is later.]"~~