

HOUSE BILL 578

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

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AN ACT

RELATING TO HEALTH COVERAGE; ENACTING SECTIONS OF THE GROUP BENEFITS 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 HHC→PHARMACISTS←HHC HHC→CERTIFIED PHARMACIST CLINICIANS, CERTAIN PHARMACISTS←HHC AND CERTAIN OTHER LICENSED HEALTH PROFESSIONALS FOR THE SAME HHC→PHARMACEUTICAL←HHC CLINICAL SERVICES.

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

SECTION 1. A new section of the Group Benefits Act is enacted to read:

"[NEW MATERIAL] PHARMACIST HHC→PRESCRIPTIVE AUTHORITY←HHC SERVICES--REIMBURSEMENT PARITY.--A group health plan shall not discriminate with respect to reimbursement under .213663.1

underscored material = new  
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1 the group health plan against any HHHC→certified←HHHC  
2 pharmacist HHHC→clinician or any pharmacist certified to  
3 provide a prescriptive authority service←HHHC who is acting  
4 within the scope of HHHC→that pharmacist's license←HHHC  
5 HHHC→certification←HHHC. The group health plan shall  
6 reimburse any HHHC→certified←HHHC pharmacist HHHC→clinician or  
7 any pharmacist certified to provide a prescriptive authority  
8 service←HHHC who provides a service at the same rate that the  
9 group health plan reimburses, for the same service under that  
10 group health plan, any physician or physician assistant  
11 licensed pursuant to the Medical Practice Act or the  
12 Osteopathic Medicine Act or any advanced practice certified  
13 nurse practitioner licensed pursuant to the Nursing Practice  
14 Act."

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

17 "[NEW MATERIAL] PHARMACIST HHHC→PRESCRIPTIVE  
18 AUTHORITY←HHHC SERVICES--REIMBURSEMENT PARITY.--The department  
19 shall ensure that any medical assistance program or contractor  
20 providing services to the medical assistance program does not  
21 discriminate with respect to reimbursement under the medical  
22 assistance program against any HHHC→certified←HHHC pharmacist  
23 HHHC→clinician or any pharmacist certified to provide a  
24 prescriptive authority service←HHHC who is acting within the  
25 scope of HHHC→that pharmacist's license←HHHC

.213663.1

underscored material = new  
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1 HHHC→certification←HHHC. The medical assistance program or  
2 its contractor shall reimburse any HHHC→certified←HHHC  
3 pharmacist HHHC→clinician or any pharmacist certified to  
4 provide a prescriptive authority service←HHHC who provides a  
5 service at the same rate that the medical assistance program  
6 reimburses, for the same service under that program, any  
7 physician or physician assistant licensed pursuant to the  
8 Medical Practice Act or the Osteopathic Medicine Act or any  
9 advanced practice certified nurse practitioner licensed  
10 pursuant to the Nursing Practice Act."

11 SECTION 3. A new section of Chapter 59A, Article 22 NMSA  
12 1978 is enacted to read:

13 "[NEW MATERIAL] PHARMACIST HHHC→PRESCRIPTIVE  
14 AUTHORITY←HHHC SERVICES--REIMBURSEMENT PARITY.--An insurer  
15 shall not discriminate with respect to reimbursement pursuant  
16 to an individual health insurance policy, health care plan or  
17 certificate of health insurance that is delivered, issued for  
18 delivery or renewed in this state against any  
19 HHHC→certified←HHHC pharmacist HHHC→clinician or any  
20 pharmacist certified to provide a prescriptive authority  
21 service←HHHC who is acting within the scope of HHHC→~~that~~  
22 ~~pharmacist's license~~←HHHC HHHC→certification←HHHC. The  
23 insurer shall reimburse any HHHC→certified←HHHC pharmacist  
24 HHHC→clinician or any pharmacist certified to provide a  
25 prescriptive authority service←HHHC who provides a service

.213663.1

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[bracketed material] = delete

1 pursuant to a health insurance plan, policy or certificate of  
2 health insurance at the same rate that the health insurance  
3 policy, health care plan or certificate of health insurance  
4 reimburses, for the same service pursuant to that policy, plan  
5 or certificate, any physician or physician assistant licensed  
6 pursuant to the Medical Practice Act or the Osteopathic  
7 Medicine Act or any advanced practice certified nurse  
8 practitioner licensed pursuant to the Nursing Practice Act."

9 SECTION 4. A new section of Chapter 59A, Article 23 NMSA  
10 1978 is enacted to read:

11 "[NEW MATERIAL] PHARMACIST HHHC→PRESCRIPTIVE  
12 AUTHORITY←HHHC SERVICES--REIMBURSEMENT PARITY.--An insurer  
13 shall not discriminate with respect to reimbursement pursuant  
14 to a group or blanket health insurance policy, health care plan  
15 or certificate of health insurance that is delivered, issued  
16 for delivery or renewed in this state against any  
17 HHHC→certified←HHHC pharmacist HHHC→clinician or any  
18 pharmacist certified to provide a prescriptive authority  
19 service←HHHC who is acting within the scope of HHHC→that  
20 pharmacist's license←HHHC HHHC→certification←HHHC. The  
21 insurer shall reimburse any HHHC→certified←HHHC pharmacist  
22 HHHC→clinician or any pharmacist certified to provide a  
23 prescriptive authority service←HHHC who provides a service  
24 pursuant to a health insurance plan, policy or certificate of  
25 health insurance at the same rate that the health insurance

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1 policy, health care plan or certificate of health insurance  
2 reimburses, for the same service pursuant to that policy, plan  
3 or certificate, any physician or physician assistant licensed  
4 pursuant to the Medical Practice Act or the Osteopathic  
5 Medicine Act or any advanced practice certified nurse  
6 practitioner licensed pursuant to the Nursing Practice Act."

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

9 "[NEW MATERIAL] PHARMACIST HHC→PRESCRIPTIVE  
10 AUTHORITY←HHC SERVICES--REIMBURSEMENT PARITY.--A carrier shall  
11 not discriminate with respect to reimbursement pursuant to an  
12 individual or group health maintenance organization contract  
13 that is delivered, issued for delivery or renewed in this state  
14 against any HHC→certified←HHC pharmacist HHC→clinician or  
15 any pharmacist certified to provide a prescriptive authority  
16 service←HHC who is acting within the scope of HHC→that  
17 pharmacist's license←HHC HHC→certification←HHC. The  
18 carrier shall reimburse any HHC→certified←HHC pharmacist  
19 HHC→clinician or any pharmacist certified to provide a  
20 prescriptive authority service←HHC who provides a service  
21 pursuant to an individual or group contract at the same rate  
22 that the carrier reimburses, for the same service under that  
23 individual or group contract, any physician or physician  
24 assistant licensed pursuant to the Medical Practice Act or the  
25 Osteopathic Medicine Act or any advanced practice certified

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1 nurse practitioner licensed pursuant to the Nursing Practice  
2 Act."

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

5 "[NEW MATERIAL] PHARMACIST HHHC→PRESCRIPTIVE  
6 AUTHORITY←HHHC SERVICES--REIMBURSEMENT PARITY.--A health care  
7 plan shall not discriminate with respect to reimbursement  
8 pursuant to a subscriber contract that is delivered, issued for  
9 delivery or renewed in this state against any  
10 HHHC→certified←HHHC pharmacist HHHC→clinician or any  
11 pharmacist certified to provide a prescriptive authority  
12 service←HHHC who is acting within the scope of HHHC→that  
13 pharmacist's license←HHHC HHHC→certification←HHHC. The health  
14 care plan shall reimburse any HHHC→certified←HHHC pharmacist  
15 HHHC→clinician or any pharmacist certified to provide a  
16 prescriptive authority service←HHHC who provides a service  
17 pursuant to a subscriber at the same rate that the carrier  
18 reimburses, for the same service under that subscriber  
19 contract, any physician or physician assistant licensed  
20 pursuant to the Medical Practice Act or the Osteopathic  
21 Medicine Act or any advanced practice certified nurse  
22 practitioner licensed pursuant to the Nursing Practice Act."

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