

**FIFTY-FOURTH LEGISLATURE
FIRST SESSION, 2019**

March 2, 2019

Mr. Speaker:

Your **STATE GOVERNMENT, ELECTIONS & INDIAN AFFAIRS COMMITTEE**, to whom has been referred

HOUSE BILL 436, as amended

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 16, strike "A" and after "NEW", strike "SECTION" and insert in lieu thereof "SECTIONS".

2. On page 1, line 19, after "FUNDING", insert "AND TO EXCEPT CERTAIN PLANS".

3. On page 64, between lines 13 and 14, insert the following new section:

"SECTION 21. A new section of the New Mexico Insurance Code is enacted to read:

" [NEW MATERIAL] EXCLUSION PROHIBITION NOT APPLICABLE TO EXCEPTED BENEFIT PLANS OR POLICIES.--

A. Notwithstanding any other provisions of law, an excepted benefits policy or plan shall not exclude coverage for losses incurred for a preexisting condition more than six months from the effective date of coverage. The policy or plan shall not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment recommended by or received from a physician within six months before the effective date of coverage.

B. As used in this section, "excepted benefits" means benefits furnished pursuant to the following:

(1) coverage-only accident or disability income insurance;

(2) coverage issued as a supplement to liability insurance;

(3) liability insurance;

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- (4) workers' compensation or similar insurance;
- (5) automobile medical payment insurance;
- (6) credit-only insurance;
- (7) coverage for on-site medical clinics;
- (8) other similar insurance coverage specified in office of superintendent of insurance rules, under which benefits for medical care are secondary or incidental to other benefits;
- (9) the following benefits if offered separately:
 - (a) limited-scope dental or vision benefits;
 - (b) benefits for long-term care, nursing home care, home health care, community-based care or any combination of those benefits; and
 - (c) other similar limited benefits specified in office of superintendent of insurance rules;
- (10) the following benefits, offered as independent non-coordinated benefits:
 - (a) coverage-only for a specified disease or illness; or
 - (b) hospital indemnity or other fixed indemnity insurance; and
- (11) the following benefits if offered as a separate insurance policy:
 - (a) medicare supplemental health insurance as defined pursuant to Section 1882(g)(1) of the federal Social Security Act; and
 - (b) coverage supplemental to the coverage provided pursuant to Chapter 55 of Title 10 USCA and similar supplemental coverage provided to coverage pursuant to a group

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health plan."".

4. Renumber the succeeding section accordingly.

Respectfully submitted,

Georgene Louis, Chair

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 6 For 3 Against
Yes: 6
No: Nibert, Rehm, Zamora
Excused: None
Absent: None

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