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HOUSE BILL 42

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

Deborah A. Armstrong

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

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 CERTIFIED PHARMACISTS CLINICIANS, CERTAIN PHARMACISTS AND CERTAIN OTHER LICENSED HEALTH PROFESSIONALS FOR THE SAME 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 PRESCRIPTIVE AUTHORITY SERVICES--REIMBURSEMENT PARITY.--A group health plan shall not discriminate with respect to reimbursement under the group health plan against a certified pharmacist clinician or

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

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

14 "[NEW MATERIAL] PHARMACIST PRESCRIPTIVE AUTHORITY
15 SERVICES--REIMBURSEMENT PARITY.--The department shall ensure
16 that any medical assistance program or contractor providing
17 services to the medical assistance program does not
18 discriminate with respect to reimbursement under the medical
19 assistance program against a certified pharmacist clinician or
20 pharmacist certified to provide a prescriptive authority
21 service who is acting within the scope of certification. The
22 medical assistance program or its contractor shall reimburse a
23 certified pharmacist clinician or pharmacist certified to
24 provide a prescriptive authority service who provides a service
25 at the same rate that the medical assistance program

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1 reimburses, for the same service under that program, any
2 licensed physician or physician assistant licensed pursuant to
3 the Medical Practice Act or the Osteopathic Medicine Act or any
4 advanced practice certified nurse practitioner licensed
5 pursuant to the Nursing Practice Act."

6 SECTION 3. A new section of Chapter 59A, Article 22 NMSA
7 1978 is enacted to read:

8 "[NEW MATERIAL] PHARMACIST PRESCRIPTIVE AUTHORITY
9 SERVICES--REIMBURSEMENT PARITY.--An insurer shall not
10 discriminate with respect to reimbursement pursuant to an
11 individual health insurance policy, health care plan or
12 certificate of health insurance that is delivered, issued for
13 delivery or renewed in this state against a certified
14 pharmacist clinician or pharmacist certified to provide a
15 prescriptive authority service who is acting within the scope
16 of certification. The insurer shall reimburse a certified
17 pharmacist clinician or pharmacist certified to provide a
18 prescriptive authority service who provides a service pursuant
19 to a health insurance plan, policy or certificate of health
20 insurance at the same rate that the health insurance policy,
21 health care plan or certificate of health insurance reimburses,
22 for the same service pursuant to that policy, plan or
23 certificate, any licensed physician or physician assistant
24 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 4. A new section of Chapter 59A, Article 23 NMSA
4 1978 is enacted to read:

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

25 SECTION 5. A new section of the Health Maintenance

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1 Organization Law is enacted to read:

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

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

21 "[NEW MATERIAL] PHARMACIST PRESCRIPTIVE AUTHORITY
22 SERVICES--REIMBURSEMENT PARITY.--A health care plan shall not
23 discriminate with respect to reimbursement pursuant to a
24 subscriber contract that is delivered, issued for delivery or
25 renewed in this state against a certified pharmacist clinician

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1 or pharmacist certified to provide a prescriptive authority
2 service who is acting within the scope of certification. The
3 health care plan shall reimburse a certified pharmacist
4 clinician or pharmacist certified to provide a prescriptive
5 authority service who provides a service pursuant to a
6 subscriber at the same rate that the carrier reimburses, for
7 the same service under that subscriber contract, any licensed
8 physician or physician assistant licensed pursuant to the
9 Medical Practice Act or the Osteopathic Medicine Act or any
10 advanced practice certified nurse practitioner licensed
11 pursuant to the Nursing Practice Act."