

AN ACT
RELATING TO THE NEW MEXICO INSURANCE CODE; PROVIDING FOR
CERTAIN DUTIES OF MANAGED HEALTH CARE PLANS REGARDING
CHIROPRACTIC CARE.

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

Section 1. A new section of the Insurance Code is enacted to read:

"MANAGED HEALTH CARE PLANS--DUTIES REGARDING
CHIROPRACTIC CARE.--

A. As used in this section:

(1) "chiropractic care" means any service provided by a chiropractic physician pursuant to the Chiropractic Physician Practice Act;

(2) "covered person" means an individual who is entitled to receive health care benefits provided by a managed health care plan; and

(3) "managed health care plan" means a health care insurer or a provider service network when offering a benefit that either requires a covered person to use, or creates incentives, including financial incentives, for a covered person to use health care providers managed, owned, under contract with or employed by the health care insurer or provider service network. "Managed health care plan" includes a health maintenance organization but does not include a health care insurer or provider service network offering a traditional fee-for-service indemnity benefit or a benefit that covers only short-term travel, accident-only, limited benefit, student health plan or specified disease policies.

B. Each managed health care plan shall, at the time of enrollment and upon request thereafter, notify each covered person directly or, in the case of a group policy, through the employer whether chiropractic care benefits are available under that covered person's plan.

C. No primary care provider, under contract with or employed by a managed health care plan, shall intentionally misinform a covered person of the existence or availability of chiropractic care benefits under that covered person's plan.

D. The secretary of health shall appoint a voluntary interdisciplinary task force, composed of representatives of managed health care plans and health care providers that provide services to covered persons under managed health care plans. The task force shall consider means by which primary care providers can be educated about non-allopathic care and assure that such care is available to covered persons when clinically indicated. The task force shall make recommendations to the secretary."