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SENATE BILL 26

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 1999

INTRODUCED BY

Mary Jane M Garcia

AN ACT

**RELATING TO INSURANCE; PROVIDING FOR PARITY FOR MENTAL HEALTH
INSURANCE; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.**

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

**Section 1. A new Section 59A-22-2.1 NMSA 1978 is enacted
to read:**

**"59A-22-2.1. [NEW MATERIAL] PARITY FOR MENTAL HEALTH
INSURANCE. --**

**A. An insurer, including a health maintenance
organization, nonprofit health care plan or fraternal benefit
society that offers a group health plan or an individual
health plan, shall not impose treatment limitations or
financial requirements on the coverage of mental health
services if similar limitations or requirements are not
imposed on coverage of services for other conditions.**

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1 B. An insurer, including a health maintenance
2 organization, nonprofit health care plan or fraternal benefit
3 society that offers a group health care plan or an individual
4 health care plan, may:

5 (1) require pre-admission screening prior to
6 the authorization of mental health services if covered under a
7 plan;

8 (2) apply other limitations that restrict
9 coverage for mental health services to those that are
10 medically necessary; and

11 (3) exclude mental health services from the
12 plan.

13 C. For purposes of this section, "mental health
14 services" means mental health services as defined under the
15 terms of the plan or coverage but does not include services
16 with respect to treatment of substance abuse, chemical
17 dependency or gambling addiction."

18 Section 2. Section 59A-23-4 NMSA 1978 (being Laws 1984,
19 Chapter 127, Section 463, as amended by Laws 1997, Chapter 7,
20 Section 2 and by Laws 1997, Chapter 249, Section 2 and by Laws
21 1997, Chapter 250, Section 2 and also by Laws 1997, Chapter
22 255, Section 2) is amended to read:

23 "59A-23-4. OTHER PROVISIONS APPLICABLE. --

24 A. No blanket or group health insurance policy or
25 contract shall contain any provision relative to notice or

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1 proof of loss or the time for paying benefits or the time
2 within which suit may be brought upon the policy that in the
3 superintendent's opinion is less favorable to the insured than
4 would be permitted in the required or optional provisions for
5 individual health insurance policies as set forth in Chapter
6 59A, Article 22 NMSA 1978.

7 B. The following provisions of Chapter 59A,
8 Article 22 NMSA 1978 shall also apply as to Chapter 59A,
9 Article 23 NMSA 1978 and blanket and group health insurance
10 contracts:

- 11 (1) Section 59A-22-1 NMSA 1978, except
- 12 Subsection C of that section; [~~and~~
- 13 ~~(2)] (2) Section 59A-22-2.1 NMSA 1978; and~~
- 14 (3) Section 59A-22-32 NMSA 1978.

15 C. The following provisions of Chapter 59A,
16 Article 22 NMSA 1978 shall also apply as to group health
17 insurance contracts:

- 18 (1) Section 59A-22-33 NMSA 1978;
- 19 (2) Section 59A-22-34 NMSA 1978;
- 20 (3) Section 59A-22-34.1 NMSA 1978;
- 21 (4) Section 59A-22-35 NMSA 1978;
- 22 (5) Section 59A-22-36 NMSA 1978;
- 23 (6) Section 59A-22-39 NMSA 1978;
- 24 (7) Section 59A-22-34.3 NMSA 1978;
- 25 (8) Section 59A-22-39.1 NMSA 1978;

1 [~~(7)~~] (9) Section 59A-22-40 NMSA 1978; and

2 [~~(8)~~] (10) Section 59A-22-41 NMSA 1978. "

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