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## FISCAL IMPACT REPORT

**ORIGINAL DATE** 02/01/13  
**LAST UPDATED** 02/25/13    **HB** 208/aHJC

**SPONSOR** Garcia, M.P.

**SHORT TITLE** Insurance Choice for Mental Health Counselors    **SB** \_\_\_\_\_

**ANALYST** Geisler

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Human Services Department (HSD)  
 Public Regulation Commission (PRC)  
 Regulation and Licensing Department (RLD)

### SUMMARY

#### Synopsis of HJC Amendment

The House Judiciary Committee amendment to House Bill 208 clarifies bill language, striking the term “professional mental health” and adding the definition of “licensed counselor or therapist” to the bill and including the list of professionals licensed to practice pursuant to the Counseling and Therapy Practice Act and the Social Work Practice Act.

#### Synopsis of Original Bill

House Bill 208 (HB 208) would extend to mental health counselors and therapists the existing protections of Freedom of Choice of Provider (Section 59A-22-32 NMSA 1978) related to health insurance. Current law provides individuals, within the area and limits of health insurance coverage selected by the insured, the freedom to select the hospital and certain practitioners who provide their care. HB 208 would add mental health counselors and therapists to the list of providers covered by the law. Adding these providers to the insurance code would facilitate the reimbursement of these services by insurance companies.

### FISCAL IMPLICATIONS

None noted for the state budget.

**SIGNIFICANT ISSUES**

Inclusion of mental health counselors and therapists to the list of providers in the insurance code would have a positive and significant impact on over 3,000 qualified behavioral health practitioners in New Mexico. The bill requires individuals to have a right to choose their provider and will enhance the availability of insurance reimbursement for these services.

**TECHNICAL ISSUES**

The HSD and RLD note that HB 208 specifically adds to the Freedom of Choice provision “licensed professional mental health counselors or therapists” licensed by the counseling and therapy practice board. State law governing practitioners licensed by the counseling and therapy practice board (61-9A-1 thru 30, NMSA) authorizes the board to license several categories of mental health counselor, including “licensed professional mental health counselor.” HB 208 is unclear whether the intent is to include all categories of mental health counselors licensed by the counseling and therapy board or just the category of license specified.

If the intent is to add all mental health counselors an amendment may need to be done to change the language to “Licensed counselor,” which means an individual whom the counseling and therapy practice board has licensed as a Licensed Clinical Mental Health Counselor, Licensed Professional Mental Health Counselor, Licensed Mental Health Counselor, Licensed Marriage and Family Therapists or Licensed Art Therapist.

**OTHER SUBSTANTIVE ISSUES**

The job of a mental health counselor is to assist and work with individuals, families and groups with issues that impact their psychological state and overall well-being. This can include a mental illness or other disorders, along with problems that result from life in general. Mental health counselors are trained to deal with a wide scope of issues and can be employed in a variety of settings, including schools, public health facilities, healthcare facilities and community-based groups. Mental health counselors arrange, manage and modify different courses of treatment, counseling, work and other personal aspects of their clients' lives. This may include referring them to other specialists or team members, locating resources, and advocating and evaluating programs that can assist patients in reaching their objectives.

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