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HOUSE BILL 81

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

Eliseo Lee Alcon

AN ACT

RELATING TO HEALTH COVERAGE; ENACTING SECTIONS OF THE HEALTH CARE PURCHASING ACT, THE NEW MEXICO INSURANCE CODE, THE HEALTH MAINTENANCE ORGANIZATION LAW AND THE NONPROFIT HEALTH CARE PLAN LAW TO ESTABLISH LIMITS ON COST SHARING FOR PHYSICAL REHABILITATION SERVICES.

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

SECTION 1. A new section of the Health Care Purchasing Act is enacted to read:

"[NEW MATERIAL] PHYSICAL REHABILITATION SERVICES--LIMITS ON COST SHARING.--

A. Group health coverage, including any form of self-insurance, offered, issued or renewed under the Health Care Purchasing Act that offers coverage of physical rehabilitation services shall not impose a member cost share

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1 for physical rehabilitation services that is greater than that  
2 for primary care services on a coinsurance percentage basis  
3 when coinsurance is applied or on an absolute dollar amount  
4 when a copay is applied.

5 B. As used in this section:

6 (1) "physical rehabilitation services" means  
7 services aimed at maximizing an individual's level of function,  
8 returning to a prior level of function or maintaining or  
9 slowing the decline of function, which services are provided by  
10 or under the direction of a licensed physical therapist,  
11 occupational therapist or speech therapist; and

12 (2) "primary care services" means the first  
13 level of basic or general health care for a person's health  
14 needs, including diagnostic and treatment services, initiation  
15 of referrals for other health care services and maintenance of  
16 the continuity of care when appropriate."

17 SECTION 2. A new section of Chapter 59A, Article 22 NMSA  
18 1978 is enacted to read:

19 "[NEW MATERIAL] PHYSICAL REHABILITATION SERVICES--LIMITS  
20 ON COST SHARING.--

21 A. An individual or group health insurance policy,  
22 health care plan or certificate of health insurance that is  
23 delivered, issued for delivery or renewed in this state shall  
24 not impose a member cost share for physical rehabilitation  
25 services that is greater than that for primary care services

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1 on a coinsurance percentage basis when coinsurance is applied  
2 or on an absolute dollar amount when a copay is applied.

3 B. As used in this section:

4 (1) "physical rehabilitation services" means  
5 services aimed at maximizing an individual's level of function,  
6 returning to a prior level of function or maintaining or  
7 slowing the decline of function, which services are provided by  
8 or under the direction of a licensed physical therapist,  
9 occupational therapist or speech therapist; and

10 (2) "primary care services" means the first  
11 level of basic or general health care for a person's health  
12 needs, including diagnostic and treatment services, initiation  
13 of referrals for other health care services and maintenance of  
14 the continuity of care when appropriate."

15 SECTION 3. A new section of Chapter 59A, Article 23 NMSA  
16 1978 is enacted to read:

17 "[NEW MATERIAL] PHYSICAL REHABILITATION SERVICES--LIMITS  
18 ON COST SHARING.--

19 A. A group or blanket health insurance policy,  
20 health care plan or certificate of health insurance that is  
21 delivered, issued for delivery or renewed in this state shall  
22 not impose a member cost share for physical rehabilitation  
23 services that is greater than that for primary care services  
24 on a coinsurance percentage basis when coinsurance is applied  
25 or on an absolute dollar amount when a copay is applied.

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1           B. As used in this section:

2                   (1) "physical rehabilitation services" means  
3 services aimed at maximizing an individual's level of function,  
4 returning to a prior level of function or maintaining or  
5 slowing the decline of function, which services are provided by  
6 or under the direction of a licensed physical therapist,  
7 occupational therapist or speech therapist; and

8                   (2) "primary care services" means the first  
9 level of basic or general health care for a person's health  
10 needs, including diagnostic and treatment services, initiation  
11 of referrals for other health care services and maintenance of  
12 the continuity of care when appropriate."

13           **SECTION 4.** A new section of the Health Maintenance  
14 Organization Law is enacted to read:

15                   "[NEW MATERIAL] PHYSICAL REHABILITATION SERVICES--LIMITS  
16 ON COST SHARING.--

17                   A. An individual or group health maintenance  
18 contract that is delivered, issued for delivery or renewed in  
19 this state shall not impose a member cost share for physical  
20 rehabilitation services that is greater than that for primary  
21 care services on a coinsurance percentage basis when  
22 coinsurance is applied or on an absolute dollar amount when a  
23 copay is applied.

24           B. As used in this section:

25                   (1) "physical rehabilitation services" means,

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1 services aimed at maximizing an individual's level of function,  
2 returning to a prior level of function or maintaining or  
3 slowing the decline of function, which services are provided by  
4 or under the direction of a licensed physical therapist,  
5 occupational therapist or speech therapist; and

6 (2) "primary care services" means the first  
7 level of basic or general health care for a person's health  
8 needs, including diagnostic and treatment services, initiation  
9 of referrals for other health care services and maintenance of  
10 the continuity of care when appropriate."

11 SECTION 5. A new section of the Nonprofit Health Care  
12 Plan Law is enacted to read:

13 "[NEW MATERIAL] PHYSICAL REHABILITATION SERVICES--LIMITS  
14 ON COST SHARING.--

15 A. An individual or group health care plan that is  
16 delivered, issued for delivery or renewed in this state shall  
17 not impose a member cost share for physical rehabilitation  
18 services that is greater than that for primary care services  
19 on a coinsurance percentage basis when coinsurance is applied  
20 or on an absolute dollar amount when a copay is applied.

21 B. As used in this section:

22 (1) "physical rehabilitation services" means,  
23 services aimed at maximizing an individual's level of function,  
24 returning to a prior level of function or maintaining or  
25 slowing the decline of function, which services are provided by

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1 or under the direction of a licensed physical therapist,  
2 occupational therapist or speech therapist; and

3 (2) "primary care services" means the first  
4 level of basic or general health care for a person's health  
5 needs, including diagnostic and treatment services, initiation  
6 of referrals for other health care services and maintenance of  
7 the continuity of care when appropriate."