

AN ACT

RELATING TO HEALTH INSURANCE; AMENDING A SECTION OF THE NEW MEXICO INSURANCE CODE TO PROVIDE FOR FREEDOM OF CHOICE OF HOSPITAL AND PRACTITIONER TO INCLUDE LICENSED PROFESSIONAL MENTAL HEALTH COUNSELORS AND THERAPISTS.

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

**SECTION 1.** Section 59A-22-32 NMSA 1978 (being Laws 1984, Chapter 127, Section 454, as amended) is amended to read:

"59A-22-32. FREEDOM OF CHOICE OF HOSPITAL AND PRACTITIONER.--

A. Within the area and limits of coverage offered an insured and selected by the insured in the application for insurance, the right of a person to exercise full freedom of choice in the selection of a hospital for hospital care or of a practitioner of the healing arts or optometrist, psychologist, podiatrist, physician assistant, certified nurse-midwife, registered lay midwife, registered nurse in expanded practice or licensed professional mental health counselor or therapist, as defined in Subsection B of this section, for treatment of an illness or injury within that person's scope of practice shall not be restricted under any new policy of health insurance, contract or health care plan issued after June 30, 1967 in this state or in the processing

of a claim thereunder. A person insured or claiming benefits under any such health insurance policy, contract or health care plan providing within its coverage for payment of service benefits or indemnity for hospital care or treatment of persons for the cure or correction of any physical or mental condition shall be deemed to have complied with the requirements of the policy, contract or health care plan as to submission of proof of loss upon submitting written proof supported by the certificate of any hospital currently licensed by the department of health or any practitioner of the healing arts or optometrist, psychologist, podiatrist, physician assistant, certified nurse-midwife, registered lay midwife, registered nurse in expanded practice or licensed professional mental health counselor or therapist.

B. As used in this section:

(1) "hospital care" means hospital service provided through a hospital that is maintained by the state or a political subdivision of the state or a place that is currently licensed as a hospital by the department of health and has accommodations for resident bed patients, a licensed professional registered nurse always on duty or call, a laboratory and an operating room where surgical operations are performed, but "hospital care" does not include a convalescent or nursing or rest home;

(2) "licensed professional mental health

counselor or therapist" means one of the following individuals licensed by the counseling and therapy practice board:

- (a) a licensed professional clinical mental health counselor;
- (b) a licensed alcohol and drug abuse counselor;
- (c) a licensed marriage and family therapist;
- (d) a licensed professional art therapist;
- (e) a licensed mental health counselor;
- (f) a licensed substance abuse associate; or
- (g) a licensed associate marriage and family therapist;

(3) "practitioner of the healing arts" means a person holding a license or certificate authorizing the licensee to offer or undertake to diagnose, treat, operate on or prescribe for any human pain, injury, disease, deformity or physical or mental condition pursuant to:

- (a) the Chiropractic Physician Practice Act;
- (b) the Dental Health Care Act;
- (c) the Medical Practice Act;
- (d) Chapter 61, Article 10 NMSA 1978;

and

(e) the Acupuncture and Oriental  
Medicine Practice Act;

(4) "optometrist" means a person holding a  
license provided for in the Optometry Act;

(5) "podiatrist" means a person holding a  
license provided for in the Podiatry Act;

(6) "psychologist" means a person who is  
duly licensed or certified in the state where the service is  
rendered and has a doctoral degree in psychology and has had  
at least two years of clinical experience in a recognized  
health setting or has met the standards of the national  
register of health service providers in psychology;

(7) "physician assistant" means a person who  
is licensed by the New Mexico medical board to practice as a  
physician assistant and who provides services to patients  
under the supervision and direction of a licensed physician;

(8) "certified nurse-midwife" means a person  
licensed by the board of nursing as a registered nurse and who  
is registered with the public health division of the  
department of health as a certified nurse-midwife;

(9) "registered lay midwife" means a person  
who practices lay midwifery and is registered as a registered  
lay midwife by the public health division of the department of  
health; and

(10) "registered nurse in expanded practice" means a person licensed by the board of nursing as a registered nurse approved for expanded practice pursuant to the Nursing Practice Act as a certified nurse practitioner, certified registered nurse anesthetist, certified clinical nurse specialist in psychiatric mental health nursing or clinical nurse specialist in private practice and who has a master's degree or doctorate in a defined clinical nursing specialty and is certified by a national nursing organization."

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