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FISCAL IMPACT REPORT

SPONSOR Garcia, MI ORIGINAL DATE 02/05/15 HB 258
LAST UPDATED
SHORT TITLE Mental Health Counselor Freedom Of Choice SB _____
ANALYST Cerny

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB 190

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation & Licensing Department (RLD)
Office of Superintendent of Insurance (OSI)

SUMMARY

Synopsis of Bill

House Bill 258 will 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. House Bill 258 will add mental health counselors and therapists to the list of providers covered by the law.

FISCAL IMPLICATIONS

HB 258 carries no appropriation and has no fiscal impact on state agencies.

SIGNIFICANT ISSUES

OSI analysis states, referring to the federal Health & Human Services (HHS) agency:

HHS issued guidelines in 2013 supporting mental health parity in medical plans.

Although psychologists were already mentioned, expanding this language for Section 59A-22-32 NMSA 1978 will be consistent with the HHS guidance.

CONFLICT

HB 258 conflicts with SB 190 which also amends the Freedom of Choice of Hospital and Practitioner section of the NM Insurance code. HB 258 provides in Section 3 that all health care providers working within the scope of their legal scopes of practice shall not be discriminated against by health coverage carriers, thus carrying a broader definition than that in HB 258.

TECHNICAL ISSUES

HB 258 specifically adds to the Freedom of Choice provision the definition of “licensed professional mental health counselors or therapists” licensed by the counseling and therapy practice board. Yet the definition of “licensed professional mental health counselors or therapists” proposed in HB 258 erroneously omits “licensed professional mental health therapist” in the list of licensed professionals.

AMENDMENTS

To page 3, line 19 add “or therapist” after the word “counselor.”

CAC/bb/je