

1 HOUSE BILL 334

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Mimi Stewart

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10 AN ACT

11 RELATING TO HEALTH INSURANCE; ENACTING NEW SECTIONS OF THE
12 HEALTH CARE PURCHASING ACT AND THE NEW MEXICO INSURANCE CODE TO
13 REQUIRE THAT INSURERS NOT DISCRIMINATE IN PROVIDER
14 PARTICIPATION OR REIMBURSEMENT; REPEALING A SECTION OF THE NEW
15 MEXICO INSURANCE CODE RELATING TO FREEDOM OF PROVIDER CHOICE.

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

20 "[NEW MATERIAL] ANY WILLING PROVIDER.--Group health
21 coverage, including any form of self-insurance, offered, issued
22 or renewed under the Health Care Purchasing Act shall not
23 discriminate with respect to participation or reimbursement
24 under the plan or coverage against any health care provider who
25 is acting within the scope of that provider's license or

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underscored material = new
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1 certification pursuant to Chapter 61 NMSA 1978. Nothing in
2 this section requires that a group coverage provider:

3 A. contract with any health care provider willing
4 to abide by the terms and conditions for participation or
5 reimbursement that the group coverage establishes; or

6 B. refrain from establishing varying reimbursement
7 rates based on quality or performance measures."

8 SECTION 2. A new section of Chapter 59A, Article 22 NMSA
9 1978 is enacted to read:

10 "[NEW MATERIAL] ANY WILLING PROVIDER.--An individual or
11 group health insurance policy, health care plan or certificate
12 of health insurance that is delivered, issued for delivery or
13 renewed in this state shall not discriminate with respect to
14 participation or reimbursement under the plan or coverage
15 against any health care provider who is acting within the scope
16 of that provider's license or certification pursuant to Chapter
17 61 NMSA 1978. Nothing in this section requires that an
18 insurer:

19 A. contract with any health care provider willing
20 to abide by the terms and conditions for participation or
21 reimbursement that the group coverage establishes; or

22 B. refrain from establishing varying reimbursement
23 rates based on quality or performance measures."

24 SECTION 3. A new section of Chapter 59A, Article 23 NMSA
25 1978 is enacted to read:

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1 "[NEW MATERIAL] ANY WILLING PROVIDER.--A blanket or group
2 health insurance policy or contract that is delivered, issued
3 for delivery or renewed in this state shall not discriminate
4 with respect to participation or reimbursement under the plan
5 or coverage against any health care provider who is acting
6 within the scope of that provider's license or certification
7 pursuant to Chapter 61 NMSA 1978. Nothing in this section
8 requires that an insurer:

9 A. contract with any health care provider willing
10 to abide by the terms and conditions for participation or
11 reimbursement that the group coverage establishes; or

12 B. refrain from establishing varying reimbursement
13 rates based on quality or performance measures."

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

16 "[NEW MATERIAL] ANY WILLING PROVIDER.--An individual or
17 group health maintenance organization contract delivered or
18 issued for delivery in this state shall not discriminate with
19 respect to participation or reimbursement under the plan or
20 coverage against any health care provider who is acting within
21 the scope of that provider's license or certification pursuant
22 to Chapter 61 NMSA 1978. Nothing in this section requires that
23 a health maintenance organization:

24 A. contract with any health care provider willing
25 to abide by the terms and conditions for participation or

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underscored material = new
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1 reimbursement that the group coverage establishes; or

2 B. refrain from establishing varying reimbursement
3 rates based on quality or performance measures."

4 SECTION 5. A new section of Chapter 59A, Article 47 NMSA
5 1978 is enacted to read:

6 "[NEW MATERIAL] ANY WILLING PROVIDER.--An individual or
7 group health insurance policy, health care plan or certificate
8 of health insurance delivered or issued for delivery in this
9 state shall not discriminate with respect to participation or
10 reimbursement under the plan or coverage against any health
11 care provider who is acting within the scope of that provider's
12 license or certification pursuant to Chapter 61 NMSA 1978.

13 Nothing in this section requires that a health plan:

14 A. contract with any health care provider willing
15 to abide by the terms and conditions for participation or
16 reimbursement that the group coverage establishes; or

17 B. refrain from establishing varying reimbursement
18 rates based on quality or performance measures."

19 SECTION 6. REPEAL.--Section 59A-22-32 NMSA 1978 (being
20 Laws 1984, Chapter 127, Section 454, as amended) is repealed.