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SENATE BILL 151

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Cisco McSorley

AN ACT

RELATING TO HEALTH COVERAGE; ENACTING SECTIONS OF THE HEALTH CARE PURCHASING ACT, PUBLIC ASSISTANCE ACT, CHAPTER 59A, ARTICLES 22 AND 23 NMSA 1978, THE HEALTH MAINTENANCE ORGANIZATION LAW AND THE NONPROFIT HEALTH CARE PLAN LAW TO BAN DISCRIMINATION AGAINST PROFESSIONAL ART THERAPISTS.

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] PROFESSIONAL ART THERAPISTS--BAN ON DISCRIMINATION.--

A. If a group health plan covers services that are within the scope of practice of professional art therapists, the group health plan shall not:

- (1) deny the right to participate in the group

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1 health plan's provider network to any professional art
2 therapist who is willing to participate under the same terms
3 and conditions as any other health care practitioner who
4 provides the same services;

5 (2) reimburse a professional art therapist at
6 a lower rate than any other health care practitioner for the
7 same service;

8 (3) prevent an enrollee from selecting a
9 professional art therapist to provide services within the
10 professional art therapist's scope of practice under the same
11 terms and conditions as those offered to any other health care
12 practitioner; or

13 (4) permit or mandate a difference in coverage
14 or impose any different conditions or disincentives that would
15 likely cause an enrollee to choose another type of health care
16 practitioner over a professional art therapist for services
17 that are covered under the group health plan.

18 B. The provisions of this section shall not be
19 construed to prevent a group health plan from establishing
20 varying reimbursement rates among health care practitioners
21 based on quality or performance measures.

22 C. As used in this section:

23 (1) "health care practitioner" means an
24 individual licensed or certified to provide health care in the
25 ordinary course of business; and

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1 (2) "professional art therapist" means an
2 individual licensed as a professional art therapist pursuant to
3 the Counseling and Therapy Practice Act."

4 SECTION 2. A new section of the Public Assistance Act is
5 enacted to read:

6 "[NEW MATERIAL] PROFESSIONAL ART THERAPISTS--BAN ON
7 DISCRIMINATION.--

8 A. The secretary shall ensure that a medical
9 assistance plan that covers services that are within the scope
10 of practice of professional art therapists does not:

11 (1) deny the right to participate in the
12 medical assistance plan's provider network to any professional
13 art therapist who is willing to participate under the same
14 terms and conditions as any other health care practitioner who
15 provides the same services;

16 (2) reimburse a professional art therapist at
17 a lower rate than any other health care practitioner for the
18 same service;

19 (3) prevent a recipient from selecting a
20 professional art therapist to provide services within the
21 professional art therapist's scope of practice under the same
22 terms and conditions as those offered to any other health care
23 practitioner; or

24 (4) permit or mandate a difference in coverage
25 or impose any different conditions or disincentives that would

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1 likely cause a recipient to choose another type of health care
2 practitioner over a professional art therapist for services
3 that are covered under the medical assistance plan.

4 B. The provisions of this section shall not be
5 construed to prevent a medical assistance plan from
6 establishing varying reimbursement rates among health care
7 practitioners based on quality or performance measures.

8 C. As used in this section:

9 (1) "health care practitioner" means an
10 individual licensed or certified to provide health care in the
11 ordinary course of business; and

12 (2) "professional art therapist" means an
13 individual licensed as a professional art therapist pursuant to
14 the Counseling and Therapy Practice Act."

15 SECTION 3. A new section of Chapter 59A, Article 22 NMSA
16 1978 is enacted to read:

17 "[NEW MATERIAL] PROFESSIONAL ART THERAPISTS--BAN ON
18 DISCRIMINATION.--

19 A. An individual health insurance plan, policy or
20 certificate of insurance that covers services that are within
21 the scope of practice of professional art therapists shall not:

22 (1) deny the right to participate in the
23 plan's, policy's or certificate's provider network to any
24 professional art therapist who is willing to participate under
25 the same terms and conditions as any other health care

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1 practitioner who provides the same services;

2 (2) reimburse a professional art therapist at
3 a lower rate than any other health care practitioner for the
4 same service;

5 (3) prevent an insured from selecting a
6 professional art therapist to provide services within the
7 professional art therapist's scope of practice under the same
8 terms and conditions as those offered to any other health care
9 practitioner; or

10 (4) permit or mandate a difference in coverage
11 or impose any different conditions or disincentives that would
12 likely cause an insured to choose another type of health care
13 practitioner over a professional art therapist for services
14 that are covered under the health insurance plan, policy or
15 certificate of insurance.

16 B. The provisions of this section shall not be
17 construed to prevent an insurer from establishing varying
18 reimbursement rates among health care practitioners based on
19 quality or performance measures.

20 C. As used in this section:

21 (1) "health care practitioner" means an
22 individual licensed or certified to provide health care in the
23 ordinary course of business; and

24 (2) "professional art therapist" means an
25 individual licensed as a professional art therapist pursuant to

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1 the Counseling and Therapy Practice Act."

2 SECTION 4. A new section of Chapter 59A, Article 23 NMSA
3 1978 is enacted to read:

4 "[NEW MATERIAL] PROFESSIONAL ART THERAPISTS--BAN ON
5 DISCRIMINATION.--

6 A. A group or blanket health insurance plan, policy
7 or certificate of insurance that covers services that are
8 within the scope of practice of professional art therapists
9 shall not:

10 (1) deny the right to participate in the
11 plan's, policy's or certificate's provider network to any
12 professional art therapist who is willing to participate under
13 the same terms and conditions as any other health care
14 practitioner who provides the same services;

15 (2) reimburse a professional art therapist at
16 a lower rate than any other health care practitioner for the
17 same service;

18 (3) prevent an insured from selecting a
19 professional art therapist to provide services within the
20 professional art therapist's scope of practice under the same
21 terms and conditions as those offered to any other health care
22 practitioner; or

23 (4) permit or mandate a difference in coverage
24 or impose any different conditions or disincentives that would
25 likely cause an insured to choose another type of health care

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1 practitioner over a professional art therapist for services
2 that are covered under the health insurance plan, policy or
3 certificate of insurance.

4 B. The provisions of this section shall not be
5 construed to prevent an insurer from establishing varying
6 reimbursement rates among health care practitioners based on
7 quality or performance measures.

8 C. As used in this section:

9 (1) "health care practitioner" means an
10 individual licensed or certified to provide health care in the
11 ordinary course of business; and

12 (2) "professional art therapist" means an
13 individual licensed as a professional art therapist pursuant to
14 the Counseling and Therapy Practice Act."

15 SECTION 5. A new section of the Health Maintenance
16 Organization Law is enacted to read:

17 "[NEW MATERIAL] PROFESSIONAL ART THERAPISTS--BAN ON
18 DISCRIMINATION.--

19 A. Health coverage provided pursuant to an
20 individual or group health maintenance organization contract
21 that covers services that are within the scope of practice of
22 professional art therapists shall not:

23 (1) deny the right to participate in the
24 health maintenance organization's provider network to any
25 professional art therapist who is willing to participate under

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1 the same terms and conditions as any other health care
2 practitioner who provides the same services;

3 (2) reimburse a professional art therapist at
4 a lower rate than any other health care practitioner for the
5 same service;

6 (3) prevent an enrollee from selecting a
7 professional art therapist to provide services within the
8 professional art therapist's scope of practice under the same
9 terms and conditions as those offered to any other health care
10 practitioner; or

11 (4) permit or mandate a difference in coverage
12 or impose any different conditions or disincentives that would
13 likely cause an enrollee to choose another type of health care
14 practitioner over a professional art therapist for services
15 that are covered under the health maintenance organization
16 contract.

17 B. The provisions of this section shall not be
18 construed to prevent a health maintenance organization from
19 establishing varying reimbursement rates among health care
20 practitioners based on quality or performance measures.

21 C. As used in this section:

22 (1) "health care practitioner" means an
23 individual licensed or certified to provide health care in the
24 ordinary course of business; and

25 (2) "professional art therapist" means an

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1 individual licensed as a professional art therapist pursuant to
2 the Counseling and Therapy Practice Act."

3 SECTION 6. A new section of the Nonprofit Health Care
4 Plan Law is enacted to read:

5 "[NEW MATERIAL] PROFESSIONAL ART THERAPISTS--BAN ON
6 DISCRIMINATION.--

7 A. An individual or group nonprofit health care
8 plan that covers services that are within the scope of practice
9 of professional art therapists shall not:

10 (1) deny the right to participate in the
11 health care plan's provider network to any professional art
12 therapist who is willing to participate under the same terms
13 and conditions as any other health care practitioner who
14 provides the same services;

15 (2) reimburse a professional art therapist at
16 a lower rate than any other health care practitioner for the
17 same service;

18 (3) prevent a subscriber from selecting a
19 professional art therapist to provide services within the
20 professional art therapist's scope of practice under the same
21 terms and conditions as those offered to any other health care
22 practitioner; or

23 (4) permit or mandate a difference in coverage
24 or impose any different conditions or disincentives that would
25 likely cause a subscriber to choose another type of health care

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1 practitioner over a professional art therapist for services
2 that are covered under the health care plan.

3 B. The provisions of this section shall not be
4 construed to prevent a health care plan from establishing
5 varying reimbursement rates among health care practitioners
6 based on quality or performance measures.

7 C. As used in this section:

8 (1) "health care practitioner" means an
9 individual licensed or certified to provide health care in the
10 ordinary course of business; and

11 (2) "professional art therapist" means an
12 individual licensed as a professional art therapist pursuant to
13 the Counseling and Therapy Practice Act."