

1 SENATE BILL 309

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO HEALTH INSURANCE; PROHIBITING PRIOR AUTHORIZATION  
12 FOR GYNECOLOGICAL OR OBSTETRICAL ULTRASOUNDS; DECLARING AN  
13 EMERGENCY.

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

18 "[NEW MATERIAL] PRIOR AUTHORIZATION FOR GYNECOLOGICAL OR  
19 OBSTETRICAL ULTRASOUNDS PROHIBITED.--

20 A. Group health coverage, including any form of  
21 self-insurance, offered, issued or renewed under the Health  
22 Care Purchasing Act that provides coverage for gynecological or  
23 obstetrical ultrasounds shall not require prior authorization  
24 for gynecological or obstetrical ultrasounds.

25 B. As used in this section, "prior authorization"

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underscored material = new  
[bracketed material] = delete

underscored material = new  
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1 means advance approval that is required as a condition  
2 precedent to payment for medical care or related benefits  
3 rendered to a covered person, including prospective or  
4 utilization review conducted prior to the provision of covered  
5 medical care or related benefits."

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

8 "[NEW MATERIAL] PRIOR AUTHORIZATION FOR GYNECOLOGICAL OR  
9 OBSTETRICAL ULTRASOUNDS PROHIBITED.--

10 A. The department shall prohibit its medicaid  
11 managed care and fee-for-service contractors from requiring  
12 prior authorization for gynecological or obstetrical  
13 ultrasounds.

14 B. As used in this section, "prior authorization"  
15 means advance approval that is required as a condition  
16 precedent to payment for medical care or related benefits  
17 rendered to a covered person, including prospective or  
18 utilization review conducted prior to the provision of covered  
19 medical care or related benefits."

20 SECTION 3. A new section of Chapter 59A, Article 22 NMSA  
21 1978 is enacted to read:

22 "[NEW MATERIAL] PRIOR AUTHORIZATION FOR GYNECOLOGICAL OR  
23 OBSTETRICAL ULTRASOUNDS PROHIBITED.--

24 A. An individual or group health insurance policy,  
25 health care plan or certificate of insurance that is delivered,

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1 issued for delivery or renewed in this state and that provides  
2 coverage for gynecological or obstetrical ultrasounds shall not  
3 require prior authorization for gynecological or obstetrical  
4 ultrasounds.

5 B. As used in this section, "prior authorization"  
6 means advance approval that is required by a health insurance  
7 policy, health care plan or certificate of insurance as a  
8 condition precedent to payment for medical care or related  
9 benefits rendered to a covered person, including prospective or  
10 utilization review conducted prior to the provision of covered  
11 medical care or related benefits."

12 SECTION 4. A new section of Chapter 59A, Article 23 NMSA  
13 1978 is enacted to read:

14 "[NEW MATERIAL] PRIOR AUTHORIZATION FOR GYNECOLOGICAL OR  
15 OBSTETRICAL ULTRASOUNDS PROHIBITED.--

16 A. A blanket or group health insurance policy or  
17 contract that is delivered, issued for delivery or renewed in  
18 this state and that provides coverage for gynecological or  
19 obstetrical ultrasounds shall not require prior authorization  
20 for gynecological or obstetrical ultrasounds.

21 B. As used in this section, "prior authorization"  
22 means advance approval that is required by blanket or group  
23 health insurance policy or contract as a condition precedent to  
24 payment for medical care or related benefits rendered to a  
25 covered person, including prospective or utilization review

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1 conducted prior to the provision of covered medical care or  
2 related benefits."

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

5 "[NEW MATERIAL] PRIOR AUTHORIZATION FOR GYNECOLOGICAL OR  
6 OBSTETRICAL ULTRASOUNDS PROHIBITED.--

7 A. An individual or group health maintenance  
8 organization contract that is delivered, issued for delivery or  
9 renewed in this state and that provides coverage for  
10 gynecological or obstetrical ultrasounds shall not require  
11 prior authorization for gynecological or obstetrical  
12 ultrasounds.

13 B. As used in this section, "prior authorization"  
14 means advance approval that is required by a health maintenance  
15 organization as a condition precedent to payment for medical  
16 care or related benefits rendered to a covered person,  
17 including prospective or utilization review conducted prior to  
18 the provision of covered medical care or related benefits."

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

21 "[NEW MATERIAL] PRIOR AUTHORIZATION FOR GYNECOLOGICAL OR  
22 OBSTETRICAL ULTRASOUNDS PROHIBITED.--

23 A. An individual or group health insurance policy,  
24 health care plan or certificate of health insurance that is  
25 delivered, issued for delivery or renewed in this state and

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1 that provides coverage for gynecological or obstetrical  
2 ultrasounds shall not require prior authorization for  
3 gynecological or obstetrical ultrasounds.

4 B. As used in this section:

5 (1) "health care plan" means an organization  
6 that demonstrates to the office of superintendent of insurance  
7 that it has been granted exemption from the federal income tax  
8 by the United States commissioner of internal revenue as an  
9 organization described in Section 501(c)(3) of the United  
10 States Internal Revenue Code of 1986, as that section may be  
11 amended or renumbered, and is authorized by the office of  
12 superintendent of insurance to enter into contracts with  
13 subscribers and make health care expense payments; and

14 (2) "prior authorization" means advance  
15 approval that is required by a health care plan as a condition  
16 precedent to payment for medical care or related benefits  
17 rendered to a covered person, including prospective or  
18 utilization review conducted prior to the provision of covered  
19 medical care or related benefits."

20 SECTION 7. EMERGENCY.--It is necessary for the public  
21 peace, health and safety that this act take effect immediately.