SENATE BILL 51

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

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FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO HEALTH CARE COVERAGE; CALCULATING COST-SHARING CONTRIBUTIONS FOR PRESCRIPTION DRUG COVERAGE.

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] CALCULATING AN ENROLLEE'S COST-SHARING OBLIGATION FOR PRESCRIPTION DRUG COVERAGE.--

A. When calculating an enrollee's cost-sharing obligation for covered prescription drugs, pursuant to group health coverage, including any form of self-insurance, offered, issued or renewed under the Health Care Purchasing Act, the insurer shall credit the enrollee for the full value of any discounts provided or payments made by third parties.

B. For purposes of this section, "cost sharing"
means any:

(1) copayment;
(2) coinsurance;
(3) deductible;
(4) out-of-pocket maximum amount;
(5) other financial obligation, other than a
premium or share of a premium; or
(6) combination thereof."

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

"[NEW MATERIAL] CALCULATING AN INSURED'S COST-SHARING OBLIGATION FOR PRESCRIPTION DRUG COVERAGE.--

A. When calculating an insured's cost-sharing obligation for covered prescription drugs, pursuant to an individual or group health insurance policy, health care plan or certificate of health insurance that is delivered, issued for delivery or renewed in this state, the insurer shall credit the insured for the full value of any discounts provided or payments made by third parties.

B. For purposes of this section, "cost sharing"
means any:

(1) copayment;
(2) coinsurance;
(3) deductible;
(4) out-of-pocket maximum;
(5) other financial obligation, other than a premium or share of a premium; or

(6) combination thereof."

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

"[NEW MATERIAL] CALCULATING AN INSURED'S COST-SHARING OBLIGATION FOR PRESCRIPTION DRUG COVERAGE.--

A. When calculating an insured's cost-sharing obligation for covered prescription drugs, pursuant to a group health plan other than a small group health plan or a blanket health insurance policy or contract that is delivered, issued for delivery or renewed in this state, the insurer shall credit the insured for the full value of any discounts provided or payments made by third parties.

B. For purposes of this section, "cost sharing" means any:

(1) copayment;

(2) coinsurance;

(3) deductible;

(4) out-of-pocket maximum;

(5) other financial obligation, other than a premium or share of a premium; or

(6) combination thereof."

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

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"[NEW MATERIAL] CALCULATING AN ENROLLEE'S COST-SHARING OBLIGATION FOR PRESCRIPTION DRUG COVERAGE.--

A. When calculating an enrollee's cost-sharing obligation for covered prescription drugs, pursuant to an individual or group health maintenance organization contract that is delivered, issued for delivery or renewed in this state, the insurer shall credit the enrollee for the full value of any discounts provided or payments made by third parties.

B. For purposes of this section, "cost sharing" means any:

(1) copayment;
(2) coinsurance;
(3) deductible;
(4) out-of-pocket maximum;
(5) other financial obligation, other than a premium or share of a premium; or
(6) combination thereof."

SECTION 5. A new section of the Nonprofit Health Care Plan Law is enacted to read:

"[NEW MATERIAL] CALCULATING A SUBSCRIBER'S COST-SHARING OBLIGATION FOR PRESCRIPTION DRUG COVERAGE.--

A. When calculating a subscriber's cost-sharing obligation for covered prescription drugs, pursuant to an individual or group health insurance policy, health care plan or certificate of health insurance issued for delivery or

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renewed in this state, the insurer shall credit the subscriber for the full value of any discounts provided or payments made by third parties.

B. For purposes of this section, "cost sharing" means any:

(1) copayment;
(2) coinsurance;
(3) deductible;
(4) out-of-pocket maximum;
(5) other financial obligation, other than a premium or share of a premium; or
(6) combination thereof."

SECTION 6. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2024.