

HOUSE BILL 129

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

## INTRODUCED BY

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## AN ACT

RELATING TO HEALTH COVERAGE; ENACTING SECTIONS OF THE HEALTH CARE PURCHASING ACT, THE NEW MEXICO INSURANCE CODE, THE HEALTH MAINTENANCE ORGANIZATION LAW AND THE NONPROFIT HEALTH CARE PLAN LAW TO PROVIDE THAT HEALTH COVERAGE CARRIERS SHALL COVER ALL TYPES OF HEALTH CARE PROVIDERS WORKING WITHIN THEIR LEGAL SCOPES OF PRACTICE; REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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] HEALTH CARE PROVIDER INCLUSION.--

A. Group health coverage, including any form of self-insurance, offered, issued or renewed under the Health Care Purchasing Act shall include with respect to participation

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1 under the plan or coverage any type of health care provider who  
2 is acting within the scope of that provider's license,  
3 certification or other legal authority to practice in the  
4 state.

5                   B. This section shall not require that a group  
6 health plan contract with any health care provider willing to  
7 abide by the terms and conditions for participation established  
8 by the group health plan.

9                   C. Nothing in this section shall be construed as  
10 preventing a group health plan from establishing varying  
11 reimbursement rates based on quality or performance measures.

12                  D. As used in this section, "health care provider"  
13 means a person who is licensed, certified or otherwise  
14 authorized to provide services relating to physical or  
15 behavioral health care in the ordinary course of business in  
16 the state."

17                  SECTION 2. A new section of Chapter 59A, Article 22 NMSA  
18 1978 is enacted to read:

19                  "[NEW MATERIAL] HEALTH CARE PROVIDER INCLUSION.--

20                  A. An individual or group health insurance policy,  
21 health care plan or certificate of health insurance that is  
22 delivered, issued for delivery or renewed in the state shall  
23 include with respect to participation under the policy, plan or  
24 certificate any type of health care provider who is acting  
25 within the scope of that provider's license, certification or

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1 other legal authority to practice in the state.

2           B. This section shall not require that a health  
3 insurer contract with any health care provider willing to abide  
4 by the terms and conditions for participation established by  
5 the health insurance policy, health care plan or certificate of  
6 health insurance.

7           C. Nothing in this section shall be construed as  
8 preventing a health insurer from establishing varying  
9 reimbursement rates based on quality or performance measures.

10          D. As used in this section, "health care provider"  
11 means a person who is licensed, certified or otherwise  
12 authorized to provide services relating to physical or  
13 behavioral health care in the ordinary course of business in  
14 the state."

15          SECTION 3. A new section of Chapter 59A, Article 23 NMSA  
16 1978 is enacted to read:

17           "[NEW MATERIAL] HEALTH CARE PROVIDER INCLUSION.--

18          A. A group health insurance policy, health care  
19 plan or certificate of health insurance that is delivered,  
20 issued for delivery or renewed in the state shall include with  
21 respect to participation under the policy, plan or certificate  
22 any type of health care provider who is acting within the scope  
23 of that provider's license, certification or other legal  
24 authority to practice in the state.

25          B. This section shall not require that a health

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1       insurer contract with any health care provider willing to abide  
2       by the terms and conditions for participation established by  
3       the health insurance policy, health care plan or certificate of  
4       health insurance.

5                   C. Nothing in this section shall be construed as  
6       preventing a health insurer from establishing varying  
7       reimbursement rates based on quality or performance measures.

8                   D. As used in this section, "health care provider"  
9       means a person who is licensed, certified or otherwise  
10      authorized to provide services relating to physical or  
11      behavioral health care in the ordinary course of business in  
12      the state."

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

15                 "[NEW MATERIAL] HEALTH CARE PROVIDER INCLUSION.--

16                 A. An individual or group health maintenance  
17      contract that is delivered, issued for delivery or renewed in  
18      the state shall include with respect to participation pursuant  
19      to that contract any type of health care provider who is acting  
20      within the scope of that provider's license, certification or  
21      other legal authority to practice in the state.

22                 B. This section shall not require that a health  
23      maintenance organization contract with any health care provider  
24      willing to abide by the terms and conditions for participation  
25      established by the health maintenance contract.

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1                   C. Nothing in this section shall be construed as  
2 preventing a health maintenance organization from establishing  
3 varying reimbursement rates based on quality or performance  
4 measures.

5                   D. As used in this section, "health care provider"  
6 means a person who is licensed, certified or otherwise  
7 authorized to provide services relating to physical or  
8 behavioral health care in the ordinary course of business in  
9 the state."

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

12                  "[NEW MATERIAL] HEALTH CARE PROVIDER INCLUSION.--

13                  A. An individual or group health care plan that is  
14 delivered, issued for delivery or renewed in the state shall  
15 include with respect to participation under the plan or  
16 coverage any type of health care provider who is acting within  
17 the scope of that provider's license, certification or other  
18 legal authority to practice in the state.

19                  B. This section shall not require that a health  
20 care plan contract with any health care provider willing to  
21 abide by the terms and conditions for participation established  
22 by the health care plan.

23                  C. Nothing in this section shall be construed as  
24 preventing a health insurer from establishing varying  
25 reimbursement rates based on quality or performance measures.

D. As used in this section, "health care provider" means a person who is licensed, certified or otherwise authorized to provide services relating to physical or behavioral health care in the ordinary course of business in the state."

**SECTION 6. REPEAL.--Sections 59A-46-35, 59A-46-36, 59A-47-28.2 and 59A-47-28.3 NMSA 1978 (being Laws 1987, Chapter 335, Section 1, Laws 1989, Chapter 96, Section 2, Laws 1991, Chapter 145, Section 1 and Laws 1998, Chapter 39, Section 2, as amended) are repealed.**

**SECTION 7. APPLICABILITY.--**The provisions of this act apply to an individual or group policy, contract, certificate or agreement to provide, deliver, arrange for, pay for or reimburse any of the costs of medical care, pharmaceutical benefits or related benefits that is entered into, offered, renewed, extended, amended or issued by a health insurer on or after July 1, 2026.

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