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HOUSE BILL 129

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

INTRODUCED BY

Pamelya Herndon

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 .233065.1

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.

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

6 **SECTION 6. REPEAL.**--Sections 59A-46-35, 59A-46-36,
7 59A-47-28.2 and 59A-47-28.3 NMSA 1978 (being Laws 1987, Chapter
8 335, Section 1, Laws 1989, Chapter 96, Section 2, Laws 1991,
9 Chapter 145, Section 1 and Laws 1998, Chapter 39, Section 2, as
10 amended) are repealed.

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