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SENATE BILL 294

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

TITO D. CHAVEZ

AN ACT

RELATING TO INSURANCE; ENACTING A NEW SECTION OF THE NEW MEXICO
INSURANCE CODE TO MANDATE FREEDOM OF CHOICE OF PRIMARY CARE
PROVIDER.

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

Section 1. A new section of the New Mexico Insurance Code,
Section 59A-18-32 NMSA 1978, is enacted to read:

"59A-18-32. [NEW MATERIAL] FREEDOM OF CHOICE OF PRIMARY
CARE PROVIDER. --

A. If a policy allows a patient to see a licensed
physician or osteopathic physician for diagnosis and treatment
of a covered condition or complaint under coverage of his
policy, that patient shall also be allowed under coverage of
that policy the same freedom to choose any other class of
primary care provider for diagnosis and treatment of that

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1 covered condition, regardless of the nomenclature used to
2 describe the condition, complaint or service, if the diagnosis
3 and treatment of the condition or complaint falls within the
4 legal scope of practice of that primary care provider. Nothing
5 in this section shall be construed to prohibit the application
6 of deductibles, co-insurance or co-payments, preferred provider
7 requirements, cost-containment measures or quality assurance
8 measures if they are applied to all classes of practitioners of
9 the healing arts. Freedom of choice and provider discrimination
10 prohibition laws applicable to workers' compensation, health
11 maintenance organizations, medicaid and nonprofit health care
12 plans shall not be changed by this section, and this section
13 shall not apply to medicaid, the Workers' Compensation Act, the
14 Health Maintenance Organization Law and the Nonprofit Health
15 Care Plan Law.

16 B. As used in this section, "primary care provider"
17 means any physician holding a license or certificate authorized
18 in Chapter 61, Article 4, 6, 10 or 14A NMSA 1978 authorizing the
19 licensee to offer or undertake to diagnose, treat, operate on or
20 prescribe for any human pain, injury, disease, deformity or
21 physical or mental condition. "

1 FORTY- SECOND LEGISLATURE

2 SECOND SESSION, 1996

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6 FEBRUARY 1, 1996

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8 Mr. President:

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10 Your COMMITTEES' COMMITTEE, to whom has been referred

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12 SENATE BILL 294

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15 has had it under consideration and finds same to be GERMANE, PURSUANT
16 TO SENATE EXECUTIVE MESSAGE NUMBER TWENTY ONE, and thence referred to
17 the PUBLIC AFFAIRS COMMITTEE.

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19 Respectfully submitted,

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SENATOR MANNY M. ARAGON, Chairman

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Adopted _____ Not Adopted _____

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(Chief Clerk)

(Chief Clerk)

Date _____

S0294CC1

1 FORTY-SECOND LEGISLATURE

2 SECOND SESSION, 1996

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6 February 5, 1996

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8 Mr. President:

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10 Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

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12 SENATE BILL 294

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14 has had it under consideration and reports same with recommendation that

15 it DO NOT PASS, but that

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18 SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR

19 SENATE BILL 294

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21 DO PASS, and thence referred to the CORPORATIONS &

22 TRANSPORTATION COMMITTEE.

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25 Respectfully submitted,

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Shannon Robinson, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Naranjo, E. Jennings

Absent: None

S0294PA1

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 294

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
1996

AN ACT

RELATING TO INSURANCE; ENACTING A NEW SECTION OF THE NEW MEXICO
INSURANCE CODE TO PROHIBIT DISCRIMINATION IN CHOICE OF PRIMARY
CARE PROVIDER.

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

Section 1. A new section of the New Mexico Insurance Code,
Section 59A-18-32 NMSA 1978, is enacted to read:

"59A-18-32. [NEW MATERIAL] CHOICE OF PRIMARY CARE
PROVIDER - - DISCRIMINATION PROHIBITED. - -

A. If a policy allows a person to see a licensed
physician for diagnosis and treatment of a covered condition or
complaint, that person shall not be discriminated against by
being prohibited from having the freedom to choose a physician
from any other class of primary care providers for diagnosis and

1 treatment of that covered condition or complaint regardless of
2 the nomenclature used to describe the condition, complaint,
3 treatment or service, if the diagnosis and treatment of the
4 condition or complaint falls within the legal scope of practice
5 of that primary care provider. Nothing in this section shall
6 restrict or prohibit the policy issuer from having the freedom
7 to choose the application of deductibles, co-insurance or co-
8 payments, preferred provider requirements, cost containment
9 measures or quality assurance measures if such measures are
10 applied equally to all classes of primary care providers. The
11 provisions of this section do not modify or amend freedom of
12 choice and provider discrimination prohibition laws applicable
13 to workers' compensation, health maintenance organizations,
14 medicaid and nonprofit health care plans.

15 B. As used in this section, a "primary care provider"
16 means any physician licensed under Chapter 61, Article 6, 10 or
17 14A NMSA 1978 authorizing the licensee to offer or undertake to
18 diagnose, prevent, treat, operate on or prescribe for any human
19 pain, injury, disease, deformity, physical or mental condition."

FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

SB 294/a

February 9, 1996

Mr. President:

Your CORPORATIONS & TRANSPORTATION COMMITTEE, to whom
has been referred

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 294

has had it under consideration and reports same with recommendation
that it DO PASS, amended as follows:

1. On page 2, line 9, strike "The" and strike lines 10
through 13 in their entirety and insert in lieu thereof:

"Freedom of choice and provider discrimination prohibition laws
applicable to workers' compensation, health maintenance
organizations, medicaid and nonprofit health care plans are not
modified or amended by this section, and this section shall not apply
to medicaid, the Workers' Compensation Act, the Health Maintenance
Organization Law or the Nonprofit Health Care Plan Law."

SPAC/SB 294

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

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SPAC/SCORC/SB 294

Page 10

Respectfully submitted,

Roman M. Maes, III, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

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**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

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SPAC/SCORC/SB 294

Page 11

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Kidd, Maloof, McKibben, Reagan

Absent: None

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**State of New Mexico
House of Representatives**

FORTY- SECOND LEGISLATURE
SECOND SESSION, 1996

February 14, 1996

Mr. Speaker:

Your BUSINESS AND INDUSTRY COMMITTEE, to whom has
been referred

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 294

has had it under consideration and reports same WITHOUT
RECOMMENDATION, amended as follows:

1. On page 2, line 15, after "physician" insert "or certified
nurse practitioner".

2. On page 2, line 16, before "6" insert "3, 4".

FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

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Respectfully submitted,

Fred Luna, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 9 For 2 Against

Yes: 9

No: Hobbs, Macko

Excused: Alwin

Absent: None

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