

State of New Mexico
House of Representatives

FIFTY-FOURTH LEGISLATURE
FIRST SESSION

March 9, 2019

HOUSE FLOOR AMENDMENT number _____ to SENATE JUDICIARY COMMITTEE
SUBSTITUTE FOR SENATE
PUBLIC AFFAIRS COMMITTEE
SUBSTITUTE FOR SENATE BILL
188, as amended

Amendment sponsored by Representative Gregg Schmedes

1. Strike House Health and Human Services Committee Amendments
2 and 3.

2. On page 9, between lines 1 and 2, insert the following new
subsections:

"D. Upon denial of a covered person's prior authorization request based on a finding that a prescription drug is not on the covered person's health benefits plan formulary, a health insurer shall notify the person of the denial and include in a conspicuous manner information regarding the person's right to initiate a drug formulary exception request and the process to file a request for an exception to the denial.

E. An auto-adjudicated prior authorization request based on medical necessity that is pended or denied shall be reviewed by a health care professional who has knowledge or consults with a specialist who has knowledge of the medical condition or disease of the covered person for whom the authorization is requested. The health care professional shall make a final determination of the request. If the request is denied after review by a health care professional, notice of the denial shall be provided to the covered person and covered person's provider with the grounds for the denial and a notice of the right to appeal and describing the process to file an appeal.

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F. A health insurer shall establish a process by which a health care provider or covered person may initiate an electronic appeal of a denial of a prior authorization request."

3. Reletter the succeeding subsections accordingly.



Gregg Schmedes

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____