

LFC Requester:

RubyAnn Esquibel

**AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

[AgencyAnalysis.nmlegis.gov](https://www.legis.nm.gov/AgencyAnalysis) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)*(Analysis must be uploaded as a PDF)***SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*Date Prepared: 02/05/2026

Check all that apply:

Bill Number: Hb38-CSOriginal  Correction Amendment  Substitute Sponsor: Cates/Thompson  
WHEELCHAIR INSURANCE  
COVERAGEAgency Name  
and CodeOffice of Superintendent of  
Insurance-440

Number:

Person Writing

Viara IanakievaShort  
Title:Email Viara.Ianakieva@osi.nPhone: 505-508-9073 : m.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

HHHC Substitute for HB38 amends the Health Care Purchasing Act and Article 22 (individual health insurance plans), Article 23 (group and blanket health plans), Article 46 (health maintenance organization plans), and Article 47 (non-profit health plans) of the Insurance Code to require coverage for complex rehabilitation technology devices (CRT devices).

CRT device is defined as subset of durable medical equipment that: (1) consists of complex rehabilitation manual and power wheelchairs and mobility devices, including specialized seating and positioning items, options and accessories; (2) is designed, manufactured, configured, adjusted or modified for a specific person to meet that person's unique medical, physical, functional and environmental needs and capacities; (3) is generally not useful to a person in the absence of a disability, illness, injury or other medical condition; and (4) requires specialized services to ensure appropriate use of the item, including: (a) an evaluation of the features and functions necessary to assist the person who will use the device; or (b) configuring, fitting, programming, adjusting or adapting the particular device for use by a person."

Coverage for CRT devices is based upon an insured's specific medical, physical, functional and environmental needs and capacities to engage in normal life activities. An insured will receive coverage for up to two CRT devices within a three-year period, one for daily use that meets the insured's mobility and positioning needs, and a second to enable the insured to participate in physical activity necessary to achieve or maintain health and support functional independence.

A CRT device that is a manual or power wheelchair shall only be covered if the insured undergoes a CRT device evaluation with a licensed physical or occupational therapist that has no financial relationship with the supplier of the CRT device, and is provided a CRT device supplier that employs at least one assistive technology professional certified by the Rehabilitation Engineering and Assistive Technology Society of North America with a specialization in seating, positioning, and mobility. The supplier must make at least one qualified CRT device service technician available in each service area served by the supplier to service and repair devices that are furnished by the supplier.

The bill amends Section 59A-16-21.4 of the Insurance Code to make it a violation of the Unfair Trades Practices Act to deny a CRT device to a person with limb loss, limb absence or mobility limitation.

#### **FISCAL IMPLICATIONS**

No cost to OSI. Minimal impact on rates.

#### **SIGNIFICANT ISSUES**

None.

#### **PERFORMANCE IMPLICATIONS**

None.

## **ADMINISTRATIVE IMPLICATIONS**

None.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

## **TECHNICAL ISSUES**

None.

## **OTHER SUBSTANTIVE ISSUES**

None.

## **ALTERNATIVES**

See Amendments section.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

## **AMENDMENTS**

OSI recommends deleting text from Subsection D and additions to Subsection in Article 22, 23, 46 and 47 (Sections 3-6).

OSI also recommends amendment for Subsection I in Section 3, 4, 5, and 6 amending Articles 22, 23, 46, and 47 as follows:

I. Coverage for complex rehabilitation technology devices shall be based on an insured's specific medical, physical, functional and environmental needs and capacities to engage in normal life activities and shall allow an insured to obtain more than one no more than two complex rehabilitation devices within a three year time period, including a wheelchair or a mobility device to be used for the following purposes:

- (1) for daily use that meets the insured's mobility and positioning needs; or
- (2) to enable the insured to participate in physical activities necessary to achieve or maintain health and support functional independence.