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HOUSE BILL 549

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

John A. Heaton

AN ACT

RELATING TO HEALTH; ENACTING A NEW SECTION OF CHAPTER 59A,  
ARTICLE 46 NMSA 1978 TO PROVIDE CERTAIN RIGHTS TO  
PARTICIPATING PROVIDERS IN THE PROVISION OF HEALTH CARE TO  
PERSONS HAVING COVERAGE THROUGH HEALTH MAINTENANCE  
ORGANIZATIONS.

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

Section 1. A new section of Chapter 59A, Article 46 NMSA  
1978 is enacted to read:

" NEW MATERIAL REQUIRED CONTRACT PROVISION FOR PAYMENT  
OF INTEREST ON "CLEAN CLAIMS" SUBMITTED BY PARTICIPATING  
PROVIDER AND NOT PAID WITHIN THIRTY DAYS. --

A. As used in this section, "clean claim" means a  
manually or electronically submitted claim that:

- (1) contains substantially all the required

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1 data elements necessary for accurate adjudication without the  
2 need for additional information from outside of the health  
3 maintenance organization's system;

4 (2) is not materially deficient, including  
5 lacking substantiating documentation currently required by the  
6 health maintenance organization; and

7 (3) has no particular or unusual  
8 circumstances requiring special treatment that prevents  
9 adjudication and payment within thirty days of the date of  
10 submittal.

11 B. A contract between a health maintenance  
12 organization and a participating provider shall provide for  
13 payment of interest at the rate of one and one-half percent a  
14 month, compounded monthly, on:

15 (1) the amount of a clean claim submitted by  
16 the participating provider and not paid within thirty days of  
17 the date of submittal; and

18 (2) the portion of a claim submitted to the  
19 health maintenance organization by the participating provider  
20 for payment that is not in dispute and does not require  
21 additional information for adjudication if the organization  
22 fails to pay the undisputed or substantiated portion of the  
23 claim within thirty days of the date of its submittal.

24 C. If a health maintenance organization is unable  
25 to determine liability for or refuses to pay a claim of a

1 participating provider within thirty days of the date of the  
2 claim's submittal, that health maintenance organization shall  
3 notify the participating provider in writing within thirty  
4 days of receipt of the claim of the specific reasons why it is  
5 not liable for the claim or that specific information is  
6 required to determine liability for the claim.

7 D. No contract between a health maintenance  
8 organization and a participating provider shall include a  
9 clause that requires the provider to indemnify the  
10 organization or otherwise assume sole liability for liability  
11 arising out of and inherent in the provision of health care  
12 services. "

1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
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6 March 2, 1999  
7

8 Mr. Speaker:  
9

10 Your BUSINESS AND INDUSTRY COMMITTEE, to whom has  
11 been referred  
12

13 HOUSE BILL 549  
14

15 has had it under consideration and reports same with  
16 recommendation that it DO PASS, and thence referred to the  
17 JUDICIARY COMMITTEE.

18 Respectfully submitted,  
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22 \_\_\_\_\_  
23 Debbie A. Rodella, Vice  
24 Chairwoman  
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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

3 HBIC/HB 549

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4 Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

6 (Chief Clerk)

(Chief Clerk)

8 Date \_\_\_\_\_

10 The roll call vote was 8 For 0 Against

11 Yes: 8

12 Excused: Kissner, Lutz, J. Taylor, Urioste

13 Absent: None

15 J: \99BillSWP\H0549

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1 FORTY- FOURTH LEGISLATURE  
2 FIRST SESSION, 1999

3  
4 March 12, 1999

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6  
7 Mr. Speaker:

8  
9 Your JUDICIARY COMMITTEE, to whom has been referred

10 HOUSE BILL 549

11  
12 has had it under consideration and reports same with  
13 recommendation that it DO PASS.

14  
15 Respectfully submitted,

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19 \_\_\_\_\_  
20 R. David Pederson, Chairman  
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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

Page 7

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 7 For 3 Against

Yes: 7

No: 3

Excused: Luna, Sanchez

Absent: None

J:\99BillsWP\H0549

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

March 15, 1999

Mr. President:

Your CORPORATIONS & TRANSPORTATION COMMITTEE, to  
whom has been referred

HOUSE BILL 549

has had it under consideration and reports same with  
recommendation that it DO PASS.

Respectfully submitted,

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Roman M. Maes, Chairman

FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

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Adopted \_\_\_\_\_ Not

Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Aragon, Kysar, Rawson, Robinson

Absent: None

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