

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

DISCUSSION DRAFT

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO HEALTH COVERAGE; ENACTING SECTIONS OF THE GROUP BENEFITS ACT, CHAPTER 59A, ARTICLE 22 NMSA 1978, CHAPTER 59A, ARTICLE 23 NMSA 1978, THE HEALTH MAINTENANCE ORGANIZATION LAW AND THE NONPROFIT HEALTH CARE PLAN LAW TO BAN DISCRIMINATION AGAINST ANY HEALTH CARE PRACTITIONER WORKING WITHIN THE SCOPE OF THAT PRACTITIONER'S LICENSE OR CERTIFICATION.

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

SECTION 1. A new section of the Group Benefits Act is enacted to read:

"[NEW MATERIAL] BAN ON HEALTH CARE PRACTITIONER DISCRIMINATION.--

A. With respect to participation in a group health coverage plan, a group health plan shall not discriminate against any health care practitioner who is acting within the

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 scope of that practitioner's license or certification.

2 B. The provisions of this section shall not be  
3 construed to:

4 (1) require a group health plan to contract  
5 with any health care practitioner willing to abide by the terms  
6 and conditions for participation established by the group  
7 health plan; or

8 (2) prevent a group health plan from  
9 establishing varying reimbursement rates based on quality or  
10 performance measures.

11 C. As used in this section, "health care  
12 practitioner" means any individual licensed or certified to  
13 provide health care in the ordinary course of business."

14 SECTION 2. A new section of Chapter 59A, Article 22 NMSA  
15 1978 is enacted to read:

16 "[NEW MATERIAL] BAN ON HEALTH CARE PRACTITIONER  
17 DISCRIMINATION.--

18 A. With respect to participation in health coverage  
19 pursuant to an individual health insurance plan, policy or  
20 certificate of insurance, an insurer shall not discriminate  
21 against any health care practitioner who is acting within the  
22 scope of that practitioner's license or certification.

23 B. The provisions of this section shall not be  
24 construed to:

25 (1) require an insurer to contract with any

underscoring material = new  
~~[bracketed material] = delete~~

1 health care practitioner willing to abide by the terms and  
2 conditions for participation established by the insurer; or

3 (2) prevent an insurer from establishing  
4 varying reimbursement rates based on quality or performance  
5 measures.

6 C. As used in this section, "health care  
7 practitioner" means any individual licensed or certified to  
8 provide health care in the ordinary course of business."

9 SECTION 3. A new section of Chapter 59A, Article 23 NMSA  
10 1978 is enacted to read:

11 "[NEW MATERIAL] BAN ON HEALTH CARE PRACTITIONER  
12 DISCRIMINATION.--

13 A. With respect to participation in health coverage  
14 pursuant to a group or blanket health insurance plan, policy or  
15 certificate of insurance, an insurer shall not discriminate  
16 against any health care practitioner who is acting within the  
17 scope of that practitioner's license or certification.

18 B. The provisions of this section shall not be  
19 construed to:

20 (1) require an insurer to contract with any  
21 health care practitioner willing to abide by the terms and  
22 conditions for participation established by the insurer; or

23 (2) prevent an insurer from establishing  
24 varying reimbursement rates based on quality or performance  
25 measures.

.204692.1

underscoring material = new  
~~[bracketed material] = delete~~

1 C. As used in this section, "health care  
2 practitioner" means any individual licensed or certified to  
3 provide health care in the ordinary course of business."

4 SECTION 4. A new section of the Health Maintenance  
5 Organization Law is enacted to read:

6 "[NEW MATERIAL] BAN ON HEALTH CARE PRACTITIONER  
7 DISCRIMINATION.--

8 A. With respect to participation in individual or  
9 group health coverage pursuant to a health maintenance  
10 organization contract, a carrier shall not discriminate against  
11 any health care practitioner who is acting within the scope of  
12 that health care practitioner's license or certification.

13 B. The provisions of this section shall not be  
14 construed to:

15 (1) require a carrier to contract with any  
16 health care practitioner willing to abide by the terms and  
17 conditions for participation established by the carrier; or

18 (2) prevent a carrier from establishing  
19 varying reimbursement rates based on quality or performance  
20 measures.

21 C. As used in this section, "health care  
22 practitioner" means any individual licensed or certified to  
23 provide health care in the ordinary course of business."

24 SECTION 5. A new section of the Nonprofit Health Care  
25 Plan Law is enacted to read:

.204692.1

1 "[NEW MATERIAL] BAN ON HEALTH CARE PRACTITIONER

2 DISCRIMINATION.--

3 A. With respect to participation in an individual  
4 or group health care plan, a health care plan shall not  
5 discriminate against any health care practitioner who is acting  
6 within the scope of that health care practitioner's license or  
7 certification.

8 B. The provisions of this section shall not be  
9 construed to:

10 (1) require a health care plan to contract  
11 with any health care practitioner willing to abide by the terms  
12 and conditions for participation established by the health care  
13 plan; or

14 (2) prevent a health care plan from  
15 establishing varying reimbursement rates based on quality or  
16 performance measures.

17 C. As used in this section, "health care  
18 practitioner" means any individual licensed or certified to  
19 provide health care in the ordinary course of business."