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HOUSE BILL

**54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

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, THE PUBLIC ASSISTANCE ACT, THE NEW MEXICO INSURANCE CODE, THE HEALTH MAINTENANCE ORGANIZATION LAW AND THE NONPROFIT HEALTH CARE PLAN LAW TO ESTABLISH REIMBURSEMENT PARITY BETWEEN CERTIFIED PHARMACISTS CLINICIANS, CERTAIN PHARMACISTS AND CERTAIN OTHER LICENSED HEALTH PROFESSIONALS FOR THE SAME CLINICAL SERVICES.

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] PHARMACIST PRESCRIPTIVE AUTHORITY SERVICES--REIMBURSEMENT PARITY.--A group health plan shall not discriminate with respect to reimbursement under the group health plan against a certified pharmacist clinician or

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1 pharmacist certified to provide a prescriptive authority  
2 service who is acting within the scope of certification. The  
3 group health plan shall reimburse a certified pharmacist  
4 clinician or pharmacist certified to provide a prescriptive  
5 authority service who provides a service at the same rate that  
6 the group health plan reimburses, for the same service under  
7 that group health plan, any licensed physician or physician  
8 assistant licensed pursuant to the Medical Practice Act or the  
9 Osteopathic Medicine Act or any advanced practice certified  
10 nurse practitioner licensed pursuant to the Nursing Practice  
11 Act."

12 SECTION 2. A new section of the Public Assistance Act is  
13 enacted to read:

14 "[NEW MATERIAL] PHARMACIST PRESCRIPTIVE AUTHORITY  
15 SERVICES--REIMBURSEMENT PARITY.--The department shall ensure  
16 that any medical assistance program or contractor providing  
17 services to the medical assistance program does not  
18 discriminate with respect to reimbursement under the medical  
19 assistance program against a certified pharmacist clinician or  
20 pharmacist certified to provide a prescriptive authority  
21 service who is acting within the scope of certification. The  
22 medical assistance program or its contractor shall reimburse a  
23 certified pharmacist clinician or pharmacist certified to  
24 provide a prescriptive authority service who provides a service  
25 at the same rate that the medical assistance program

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1 reimburses, for the same service under that program, any  
2 licensed physician or physician assistant licensed pursuant to  
3 the Medical Practice Act or the Osteopathic Medicine Act or any  
4 advanced practice certified nurse practitioner licensed  
5 pursuant to the Nursing Practice Act."

6 SECTION 3. A new section of Chapter 59A, Article 22 NMSA  
7 1978 is enacted to read:

8 "[NEW MATERIAL] PHARMACIST PRESCRIPTIVE AUTHORITY  
9 SERVICES--REIMBURSEMENT PARITY.--An insurer shall not  
10 discriminate with respect to reimbursement pursuant to an  
11 individual health insurance policy, health care plan or  
12 certificate of health insurance that is delivered, issued for  
13 delivery or renewed in this state against a certified  
14 pharmacist clinician or pharmacist certified to provide a  
15 prescriptive authority service who is acting within the scope  
16 of certification. The insurer shall reimburse a certified  
17 pharmacist clinician or pharmacist certified to provide a  
18 prescriptive authority service who provides a service pursuant  
19 to a health insurance plan, policy or certificate of health  
20 insurance at the same rate that the health insurance policy,  
21 health care plan or certificate of health insurance reimburses,  
22 for the same service pursuant to that policy, plan or  
23 certificate, any licensed physician or physician assistant  
24 licensed pursuant to the Medical Practice Act or the  
25 Osteopathic Medicine Act or any advanced practice certified

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1 nurse practitioner licensed pursuant to the Nursing Practice  
2 Act."

3 SECTION 4. A new section of Chapter 59A, Article 23 NMSA  
4 1978 is enacted to read:

5 "[NEW MATERIAL] PHARMACIST PRESCRIPTIVE AUTHORITY  
6 SERVICES--REIMBURSEMENT PARITY.--An insurer shall not  
7 discriminate with respect to reimbursement pursuant to a group  
8 or blanket health insurance policy, health care plan or  
9 certificate of health insurance that is delivered, issued for  
10 delivery or renewed in this state against a certified  
11 pharmacist clinician or pharmacist certified to provide a  
12 prescriptive authority service who is acting within the scope  
13 of certification. The insurer shall reimburse a certified  
14 pharmacist clinician or pharmacist certified to provide a  
15 prescriptive authority service who provides a service pursuant  
16 to a health insurance plan, policy or certificate of health  
17 insurance at the same rate that the health insurance policy,  
18 health care plan or certificate of health insurance reimburses,  
19 for the same service pursuant to that policy, plan or  
20 certificate, any licensed physician or physician assistant  
21 licensed pursuant to the Medical Practice Act or the  
22 Osteopathic Medicine Act or any advanced practice certified  
23 nurse practitioner licensed pursuant to the Nursing Practice  
24 Act."

25 SECTION 5. A new section of the Health Maintenance

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1 Organization Law is enacted to read:

2 "[NEW MATERIAL] PHARMACIST PRESCRIPTIVE AUTHORITY  
3 SERVICES--REIMBURSEMENT PARITY.--A carrier shall not  
4 discriminate with respect to reimbursement pursuant to an  
5 individual or group health maintenance organization contract  
6 that is delivered, issued for delivery or renewed in this state  
7 against a certified pharmacist clinician or pharmacist  
8 certified to provide a prescriptive authority service who is  
9 acting within the scope of certification. The carrier shall  
10 reimburse a certified pharmacist clinician or pharmacist  
11 certified to provide a prescriptive authority service who  
12 provides a service pursuant to an individual or group contract  
13 at the same rate that the carrier reimburses, for the same  
14 service under that individual or group contract, any licensed  
15 physician or physician assistant licensed pursuant to the  
16 Medical Practice Act or the Osteopathic Medicine Act or any  
17 advanced practice certified nurse practitioner licensed  
18 pursuant to the Nursing Practice Act."

19 SECTION 6. A new section of the Nonprofit Health Care  
20 Plan Law is enacted to read:

21 "[NEW MATERIAL] PHARMACIST PRESCRIPTIVE AUTHORITY  
22 SERVICES--REIMBURSEMENT PARITY.--A health care plan shall not  
23 discriminate with respect to reimbursement pursuant to a  
24 subscriber contract that is delivered, issued for delivery or  
25 renewed in this state against a certified pharmacist clinician

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1 or pharmacist certified to provide a prescriptive authority  
2 service who is acting within the scope of certification. The  
3 health care plan shall reimburse a certified pharmacist  
4 clinician or pharmacist certified to provide a prescriptive  
5 authority service who provides a service pursuant to a  
6 subscriber at the same rate that the carrier reimburses, for  
7 the same service under that subscriber contract, any licensed  
8 physician or physician assistant licensed pursuant to the  
9 Medical Practice Act or the Osteopathic Medicine Act or any  
10 advanced practice certified nurse practitioner licensed  
11 pursuant to the Nursing Practice Act."