HOUSE BILL 42

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

INTRODUCED BY

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

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

"[NEW MATERIAL] PHARMACIST PRESCRIPTIVE AUTHORITY
SERVICES--REIMBURSEMENT PARITY.--The department shall ensure
that any medical assistance program or contractor providing
services to the medical assistance program does not
discriminate with respect to reimbursement under the medical
assistance program against a certified pharmacist clinician or
pharmacist certified to provide a prescriptive authority
service who is acting within the scope of certification. The
medical assistance program or its contractor shall reimburse a
certified pharmacist clinician or pharmacist certified to
provide a prescriptive authority service who provides a service
at the same rate that the medical assistance program
reimburses, for the same service under that program, any
licensed physician or physician assistant licensed pursuant to
the Medical Practice Act or the Osteopathic Medicine Act or any
advanced practice certified nurse practitioner licensed
pursuant to the Nursing Practice Act."

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

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

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nurse practitioner licensed pursuant to the Nursing Practice Act."

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

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

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

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

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

"[NEW MATERIAL] PHARMACIST PRESCRIPTIVE AUTHORITY SERVICES--REIMBURSEMENT PARITY.--A health care plan shall not discriminate with respect to reimbursement pursuant to a subscriber contract that is delivered, issued for delivery or renewed in this state against a certified pharmacist clinician
or pharmacist certified to provide a prescriptive authority
service who is acting within the scope of certification. The
health care plan shall reimburse a certified pharmacist
clinician or pharmacist certified to provide a prescriptive
authority service who provides a service pursuant to a
subscriber at the same rate that the carrier reimburses, for
the same service under that subscriber contract, any licensed
physician or physician assistant licensed pursuant to the
Medical Practice Act or the Osteopathic Medicine Act or any
advanced practice certified nurse practitioner licensed
pursuant to the Nursing Practice Act."

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