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HOUSE BILL 591

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Danice Picraux

AN ACT

RELATING TO HEALTH CARE COVERAGE; ENACTING SECTIONS OF THE HEALTH CARE PURCHASING ACT, THE NEW MEXICO INSURANCE CODE, THE HEALTH MAINTENANCE ORGANIZATION LAW AND THE NONPROFIT HEALTH CARE PLAN LAW TO REQUIRE COVERAGE FOR TELEMEDICINE SERVICES; PROVIDING FOR UTILIZATION REVIEW AND APPEAL RIGHTS FOR DENIALS OF TELEMEDICINE COVERAGE.

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

SECTION 1. A new section of the Health Care Purchasing Act is enacted to read:

"[NEW MATERIAL] COVERAGE FOR TELEMEDICINE SERVICES.--

A. Group health coverage, including any form of self-insurance, offered, issued or renewed under the Health Care Purchasing Act shall include coverage of telemedicine services.

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underscoring material = new
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1 B. A determination by a group health plan that
2 health care services delivered through the use of interactive
3 audio, video or other telecommunications technology are not
4 covered under the plan shall be subject to utilization review
5 and administrative review of adverse utilization review
6 decisions.

7 C. The provisions of this section shall not apply
8 in the event that federal law requires the state to make
9 payments on behalf of enrollees to cover the costs of
10 implementing this section.

11 D. As used in this section, "telemedicine" means
12 the use of interactive audio, video or other telecommunications
13 technology by a health care provider to deliver health care
14 services within the scope of the provider's practice at a site
15 other than the site where the patient is located, including the
16 use of electronic media for consultation relating to the health
17 care diagnosis or treatment of the patient.

18 E. The provisions of this section shall not apply
19 in the event that federal law requires the state to make
20 payments on behalf of enrollees to cover the costs of
21 implementing this section."

22 **SECTION 2.** A new section of Chapter 59A, Article 22 NMSA
23 1978 is enacted to read:

24 "[NEW MATERIAL] COVERAGE FOR TELEMEDICINE SERVICES.--

25 A. An individual or group health insurance policy,

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1 health care plan or certificate of health insurance that is
2 delivered, issued for delivery or renewed in this state shall
3 include coverage of telemedicine services.

4 B. A determination by an insurer that health care
5 services delivered through the use of interactive audio, video
6 or other telecommunications technology is not covered under the
7 plan shall be subject to utilization review and appeal pursuant
8 to Chapter 59A, Article 4 NMSA 1978.

9 C. The provisions of this section shall not apply
10 in the event that federal law requires the state to make
11 payments on behalf of enrollees to cover the costs of
12 implementing this section.

13 D. As used in this section, "telemedicine" means
14 the use of interactive audio, video or other telecommunications
15 technology by a health care provider to deliver health care
16 services within the scope of the provider's practice at a site
17 other than the site where the patient is located, including the
18 use of electronic media for consultation relating to the health
19 care diagnosis or treatment of the patient."

20 SECTION 3. A new section of Chapter 59A, Article 23 NMSA
21 1978 is enacted to read:

22 "[NEW MATERIAL] COVERAGE FOR TELEMEDICINE SERVICES.--

23 A. A blanket or group health insurance policy or
24 contract that is delivered, issued for delivery or renewed in
25 this state shall include coverage of telemedicine services.

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1 B. A determination by an insurer that health care
2 services delivered through the use of interactive audio, video
3 or other telecommunications technology is not covered under the
4 plan shall be subject to utilization review and appeal pursuant
5 to Chapter 59A, Article 4 NMSA 1978.

6 C. The provisions of this section shall not apply
7 in the event that federal law requires the state to make
8 payments on behalf of enrollees to cover the costs of
9 implementing this section.

10 D. As used in this section, "telemedicine" means
11 the use of interactive audio, video or other telecommunications
12 technology by a health care provider to deliver health care
13 services within the scope of the provider's practice at a site
14 other than the site where the patient is located, including the
15 use of electronic media for consultation relating to the health
16 care diagnosis or treatment of the patient."

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

19 "[NEW MATERIAL] COVERAGE FOR TELEMEDICINE SERVICES.--

20 A. An individual or group health maintenance
21 organization contract that is delivered, issued for delivery or
22 renewed in this state shall include coverage of telemedicine
23 services.

24 B. A determination by a health maintenance
25 organization that health care services delivered through the

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1 use of interactive audio, video or other telecommunications
2 technology is not covered under the plan shall be subject to
3 utilization review and appeal pursuant to Chapter 59A, Article
4 4 NMSA 1978.

5 C. The provisions of this section shall not apply
6 in the event that federal law requires the state to make
7 payments on behalf of enrollees to cover the costs of
8 implementing this section.

9 D. As used in this section, "telemedicine" means
10 the use of interactive audio, video or other telecommunications
11 technology by a health care provider to deliver health care
12 services within the scope of the provider's practice at a site
13 other than the site where the patient is located, including the
14 use of electronic media for consultation relating to the health
15 care diagnosis or treatment of the patient."

16 SECTION 5. A new section of Chapter 59A, Article 47 NMSA
17 1978 is enacted to read:

18 "[NEW MATERIAL] COVERAGE FOR TELEMEDICINE SERVICES.--

19 A. An individual or group health insurance policy,
20 health care plan or certificate of health insurance delivered
21 or issued for delivery in this state shall include coverage of
22 telemedicine services.

23 B. A determination by a nonprofit health plan that
24 health care services delivered through the use of interactive
25 audio, video or other telecommunications technology is not

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1 covered under the plan shall be subject to utilization review
2 and appeal pursuant to Chapter 59A, Article 4 NMSA 1978.

3 C. The provisions of this section shall not apply
4 in the event that federal law requires the state to make
5 payments on behalf of enrollees to cover the costs of
6 implementing this section.

7 D. As used in this section, "telemedicine" means
8 the use of interactive audio, video or other telecommunications
9 technology by a health care provider to deliver health care
10 services within the scope of the provider's practice at a site
11 other than the site where the patient is located, including the
12 use of electronic media for consultation relating to the health
13 care diagnosis or treatment of the patient."

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