

**New Mexico Association of Health Underwriters
2009 Legislative Session**

Subject	Leg	#	Dup	Sponsor / Party	Name of Bill	Description	Status	NMAHU Position
Health	H	21	S12	Stewart Dem	Domestic Partner Rights and Responsibilities	Relating to domestic affairs; enacting the domestic partner rights and responsibilities act; providing penalties	House Public Affairs	Support
Health	H	56		Begaye Dem	Medical Records Keeping Equipment Tax Credit	Provides a NM income tax credit to pharmacists and physicians for expenses related to implementing electronic medical records systems.	House Taxation & Revenue	Support
Health	H	109		Heaton Dem	Employer Pretax Health Coverage Options	Requires employers to offer pre-tax health coverage options under Section 125 whether or not the employ chooses to pay for any portion of the health care premiums.	House Taxation & Revenue	Oppose
Health	H	110		Heaton Dem	Health Insurance Guaranteed Issue	Guarantees issue of health insurance policies regardless of pre-existing conditions and eliminates gender as a health insurance rating factor.	House Business & Industry - Tabled	Oppose
Health	H	111		Heaton Dem	Health Insurer Direct Services	Health insurer reimbursements cannot be less than 85% of premiums. 2 amendments	Senate Corporations & Transportation Committee	Oppose
Health	H	130		Stewart Dem	Medicaid & Child Health Insurance Reporting	Creates a new section of the Public Assistance Act to require the HSD to report publically on enrollment and budget data in the Medicaid program and State Children's Health Insurance Program (SCHIP). The bill also requires HSD to document and store for no less than 3 years information related to the reasons that individuals have been denied eligibility.	Pocket veto	Support
Health	H	155 Sub	S39	Gutierrez Dem	Insurance Coverage for Autism Treatment	NM group and individual health insurance policies shall include coverage for autism diagnosis and treatment.	House Appropriations & Finance Committee	Oppose
Health	H	192		Chasey Dem	Prescription Drug Prior Authorization Process	Amends the HMO Act and insurers to allow pharmacists to initiate the prior authorization process. Requires the insurer or HMO to respond to the prior authorization request within 24 hours. If the insurer fails to notify the prior authorization requestor of a decision within 24 hours after receiving the request, the prior authorization will be deemed to have been granted.	Passed and signed	Support
Health	H	222		Picraux Dem	Continue Children's Medicaid Enrollment	Appropriates \$10 million from the general fund to HSD to continue enrollment of all eligible children in Medicaid and to support the goal of all children in the state having insurance coverage.	House Appropriations & Finance	Support
Health	H	228		Picraux Dem	Require Nurse Advice Line Reimbursements	Requires any individual (company) contracting with HSD to enroll individuals in a department operated health plan, must enter into a service agreement with the NM 24-hour statewide nurse advice line, for services the nurse advice line provides to department enrollees.	House Health & Government Affairs	Support
Health	H	232		Picraux Dem	Prescription Privacy Act	Establishes fines for any person who knowingly discloses regulated information derived from prescription drug records when used for marketing or other activity designed to influence the prescribing or purchasing of a drug. Fine = \$50,000 to be deposited into the current school fund.	House Business & Industry	Support
Health	H	233		Picraux	State Prescription Drug Price Information	Requires HSD to report annually to the interim HHSC by November 1 on the prescription drug pricing information collected by HSD as required by law.	Senate Corporations & Transportation Committee	Support
Health	H	238		Gardner Rep	Medicaid Invests in Health Demo Project	Creates Health Opportunity Accounts (HOA) for certain Medicaid eligible individuals. State and Federal funds would be deposited in the individual's HOA, which could be used to pay the deductible for health care services under the individual's higher deductible health plan.	House Health & Government Affairs	Support

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Health	H	239		Gardner Rep	Health Savings Account	Public government and school employers shall offer a high deductible health care plan in conjunction with a medical care saving account. Appropriates \$1,000,000 from the GF to PSIA	Senate Finance	Support
Health	H	256		Stewart Dem	Freedom of Choice Act	Ensures that the state respects the equal and fundamental right of privacy of each individual to make personal reproductive decisions. The act prohibits the state from interfering with the right to obtain and use contraceptives; and prohibits the state from denying or interfering with a woman's choice to have an abortion prior to viability, or at any time if the woman's doctor determines it is necessary to protect the woman's health or life.	House Judiciary	Neutral
Health	H	267		Stewart Dem	Health Care Authority Act	Replaces the Health Policy Commission with the Health Care Authority. The authority must evaluate financing options, insurance reforms, regulations, delivery systems, affordability, and info tech using advisory councils and report to the Legislature on 9/1/2010 on how it can provide accessible and affordable health care for all New Mexicans. 5 legislative and 5 gubernatorial appointees & state insurance superintendent make up governing board which appoints its own director. Secs. of Health/Humans Services Depts. are non-voting members.	Senate Finance	Oppose
Health	H	282		Heaton Dem	Therapeutic Interchange of Alternate Drugs	Amendment to current statute determines that upon receipt of a written prescription by a licensed practitioner, a pharmacist has the ability to exchange a therapeutic alternate drug in accordance with prior authorization from the prescribing practitioner	House Business & Industry	Neutral
Health	H	293		Stewart Dem	Protection of Health Information	Amends the Health Information Systems Act to add a definition for "record-level data, meaning a medical record that contains unique and pieces of information that relate to a single identifiable individual, provider or hospital. Record-level data is confidential and not to be disclosed except to the extent it is included in a compilation of aggregate data.	Passed and signed	Support
Health	H	310		Chasey Dem	Medicare Waiver Cost of Living Increase	\$3.326 million GF for a cost of living increase for Medicare Waiver program physicians.	House Appropriations & Finance	Support
Health	H	339	S281	Gonzlaes Dem	Health Security Act	Replaces private insurance with a state single payer plan which would create a health coverage pool for all New Mexicans, even those with pre-existing conditions. Residents who have lived in NM for at least a year could obtain health benefits similar to state employees at lower rates than most pay now. Exempts military/federal employees. Plan would be managed by an independent non-government commission. All NM employers would pay.	House Business & Industry (its first committee)	Oppose
Health	H	378		Barela Dem	Patient Information Privacy Act	Clarifies individual rights with respect to the disclosure of information contained in electronic medical records.	House Judiciary	TBD
Health	H	438		Gardner Rep	Medicaid Cost Sharing for ER Services	Enacts a new section of the Public Assistance Act that requires Medicaid recipients to pay a co-payment for the unnecessary use of hospital ER services.	Passed and signed	Support
Health	H	468		Maestas Dem	Insurance Penalties, Violations & Authority	Stricter enforcement of the insurance code. Increases administrative penalties for violations of the insurance code or rules adopted under the code, and expands the enforcement powers of the Superintendent of Insurance. Authorizes the Superintendent to issue cease-and-desist or compliance orders regarding violations, or to commence actions for injunctions in district court.	Senate Calendar	Support

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Health	H	509		Lujan Dem	Health Care Practitioner Gross Receipts	Expands the medical services deduction enacted in 2004 to include receipts from co-payments or deductibles paid by an insured person to a health practitioner.	House Taxation & Revenue	Support
Health	H	541		Picraux Dem	Employee Wellness Program Tax Credit	Provides a tax credit to employers of <=200 employees for 50% of the cost of a qualified employee wellness program not to exceed \$150 X number of NM resident employees.	House Taxation & Revenue	Support
Health	H	544		Picraux Dem	Health Coverage Accountability and Transparency Act	Requires the HSD to disclosed information about medical assistance programs governed by Public Assistance Act.	Pocket veto	Support
Health	H	561		Egolf Dem	Chiropractic Health Insurance Parity	Amends the non-profit health care plan law for health insurance reimbursements for chiropractic services shall not differ substantially from reimbursements for similar services from other health care practitioners.	House Business & Industry	Neutral BCBSNM?
Health	H	587		Gardner Rep	Premium Assistance Maximization Act	Requires HSD to determine which health plans offered in the state meet the criteria of being a "benchmark benefit package" or "benchmark equivalent benefit package" and then to adopt each package permitted under Medicaid or the SCHIP of the SSA.	House Health & Government Affairs	Support
Health	H	592		Taylor Rep	Health Insurance Alliance	Amends the NMHIA Act to bring it within HSD	House Health & Government Affairs - Tabled	Oppose
Health	H	662		Picraux Dem	Public Employee Benefit Option – Health Care	Further moves to consolidate all publicly funded health care plans covering school employees and state and local government employees. Provides for optional benefit plans and guarantees that employees may transfer from one participating agency to another and retain the same plan.	House Judiciary	Oppose
Health	H	710		Picraux Dem	Medical Home-Based Care Program & Insurance	Directs the HSD to apply for a waiver or state plan amendment to implement the medical home program; directing the Superintendent of Insurance to convene an insurance task force to explore incentives for a medical home-based managed care model.	Passed and signed	Support
Health	H	736		Gardner Rep	Independent Health Care Provider Liability Act	Relating to medical malpractice and enacting the independent health care provider liability act; providing liability limits for certain malpractice claims against independent health care providers.	House Business & Industry	Support
Health	H	751		Giannini Dem	Insurance Coverage for Some Health Conditions	NM group and individual health insurance policies shall include coverage for developmental disabilities autism spectrum diagnosis and treatment.	House Consumer & Public Affairs	Oppose No more mandates!
Health	H	779		Lujan Dem	Health Care Partnership Act	Creates the Health Care Partnership with participation from Departments of Health and Human Services, the LFC, the LCS, the Interim Leg Committee for Health Care, and the Insurance Division of the Public Regulation Commission. Duties are to study and make recommendations for increasing affordable health care for all New Mexicans and to report findings/recommendations to the Governor and Legislature by 9/1/2010. \$500K GF appropriation.	Senate Finance Substitute Bill	Oppose
Health	HJM	24		Picraux Dem	Cost of Chronic Disease & Wellness Programs	Requests that the DOH and the Economic Development Department to collaborate on a study of the cost and impact of chronic disease on the NM workforce and the potential positive impact of business-based wellness programs	Passed and signed	Support

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Subject	Leg	#	Dup	Sponsor / Party	Name of Bill	Description	Status	NMAHU Position
Health	HJM	57		Taylor Rep	Voluntary Health Insurance Exchange Study	Requests that the Insurance Division form a task force to study and implement a voluntary health insurance exchange to provide individuals and employers with greater access to and greater choice, portability and affordability of health insurance products.	Passed and signed	Support
Health	HJR	10		Gardner Rep	Right to Decide on Health Care	Constitutional amendment that prohibits any law that restricts an individual's right to choose a private health care plan and pay directly for it.	House Voters & Elections	Support
Health	S	12	H21	McSorley Dem	Domestic Partner Rights & Responsibilities	Relating to domestic affairs; enacting the domestic partner rights and responsibilities act; providing penalties	Failed Senate (17-25)	Support
Life and Health	S	15		Leavell Rep	Insurance Product Regulation Compact	Allows NM to participate in this Compact which is intended to develop a single, uniform set of product approval standards for life insurance, annuities, disability income and long term care insurance.	Passed and signed	Support
Health	S	39flsub	H155	Harden Rep	Insurance Coverage for Autism Treatment	NM group and individual health insurance policies shall include coverage for autism diagnosis and treatment.	Passed and signed	Oppose No new mandates!
Health	S	41		Feldman Dem	Healthy NM Task Force Goals	Proposes to add a new provision to the Healthy NM Task Force's strategic plan to include recommendations for the design and implementation of a pay-for-performance system that would use financial incentives for providers.	Senate Corporations & Transportation	Support
Health	S	42		Feldman Dem	Clinical Cancer Trial Insurance Coverage	Broadens mandatory health insurance coverage for clinical cancer trials.	Passed and signed	Support
Life and Health	S	75		Leavell Rep	Life and Health Insurance Guaranty Law Changes	Life and Health Insurance Guaranty Association Act is 68 pages. The bill makes numerous changes in the Life and Health Insurance Guaranty (LHIG) Law, Sections 59A-42-1 through 59A-42-16, renaming the LHIG Association Act. It adds definitions, expands the coverage as well as the limitations on claim payments under certain insurance policies, expands the powers and duties of the LHIG Association, amends the types of accounts and assessments covered by the association and prohibits certain kinds of advertising.	House Judiciary Committee	Support
Health	S	104		Feldman Dem	Patient Choice For Medical Services	Insurance codes are amended to prohibit health care insurers and managed health care plans from preventing credentialed physicians, hospitals, and out patient surgery centers from contracting to be part of their network of providers or services.	Senate Corporations & Transportation	Oppose
Health	S	105		Campos Dem	Implement Electronic Patient Health Records	\$500,000 GF appropriation to the DOH to implement patient electronic health records	Senate Finance	Neutral – Federal Stimulus Bill may take care of this Health I.T.
P & C	S	114		Leavell Rep	Require Electronic Filings for Insurers	Amends the insurance code to require insurers to submit rate information and forms electronically to the Superintendent of Insurance.	Passed and signed	Support

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All Insur. matters	S	117		Leavell Rep	6-Month Aggregation of False Insurance Claims	Under current law, the amount of a purported loss from a false insurance claim determines the classification and penalty of the offense. This bill provides that if a person makes ten or more false claims within any consecutive 6 month period, the amounts of purported loss may be aggregated to determine the classification and penalty of the offense.	House Business & Industry	Support
All insur. matters	S	118		Leavell Rep	False Insurance Info as Racketeering	Amends the Racketeering Act to include making false insurance claims. This bill adds the crime of making false insurance applications, claims or proofs of loss to the list of crimes punishable as racketeering.	Tabled	Support
Health	S	129		Wirth Dem	Prescription Drug Retail Price Disclosure	Requires that pharmacies provide their current retail price of prescription medication upon request by consumers or the AG's office when requested by phone, electronic device or otherwise.	Passed and signed	Support
Health	S	161		Beffort Rep	Premium Assistance for Low Income Households	Amends the NMMIP regarding rates and standard risk. Proposes to define in statute the eligibility criteria and corresponding income levels for the Pool's premium assistance program.	Passed and signed	Support
Health	S	246		Ryan Rep	Limit Index Rate for Certain Health Plans	Amends Small Group Rate and Renewability Act by gradually limiting the premium rate calculations for health insurance for small employers	Senate Corporations & Transportation	Oppose
Health	S	253		Leavell Rep	Examination of Insurers	Provides that any person seeking a license to be a surplus line broker as an individual must demonstrate experience, training or education of sufficient duration and character to render the applicant competent in the opinion of the superintendent. When the license applicant is a firm or corporation, requires all individuals who represent it in the state to be licensed as surplus line brokers. Removes the requirement that a surplus line broker license applicant file a \$20,000 bond with the application.	House Taxation & Revenue	Support
Health	S	259		Keller Dem	Health Insurance Policy Transparency	Requires that health insurers disclose broker and agent commissions and other compensation associated with a health policy, provide history of rate changes, and identify the policy medical loss ratio.	Failed the Senate (18-21)	Support
Health	S	278		Wirth Dem	Election Medical Records Act	Authorizes the creation, use and maintenance of electronic medical records; clarifies individual rights with respect to the disclosure of information contained in the records; and clarifies the protection of privacy of electronic medical records	Passed and signed	Support
Health	S	281	H339	Cisneros Dem	Health Security Act	Replaces private insurance with a state single payer plan which would create a health coverage pool for all New Mexicans, even those with pre-existing conditions. Residents who have lived in NM for at least a year could obtain health benefits similar to state employees at lower rates than most pay now. Exempts military/federal employees. Plan would be managed by an independent non-government commission. All NM employers would pay.	Senate Finance	Oppose
Health	S	295		Feldman Dem	Pharmacy Benefits Manager Regulation Act	Brings pharmacy benefits managers under state insurance regulations.	House Judiciary	TBD PBM's take on risk?
Health	S	314		Neville Rep	State Insurance Program Reimbursements	Requires Human Services Dept to establish reimbursement rates for services rendered to enrollees in the state coverage insurance program that is not less than 120% of Medicare fee schedule.	Senate Finance	Support

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Health	S	332		Harden Rep	Create Office of Health Policy	Replaces the Health Policy Commission with the Office of Health Policy within the Dept. of Health whose purpose is to provide strategic planning for developing, and monitor progress toward the state's health policy reporting annual to appropriate legislative committees.	Senate Corporations & Transportation	Neutral Efficiencies?
Health	S	362		Wirth Dem	Uniform Securities Act	Requires registration of broker-dealers and their agents, and investment advisers and their representatives. Prohibits fraud in securities transactions and gives enforcement powers to the Securities Division of the Regulation and Licensing Department.	Passed and signed	Support
Health	S	366	H351	Smith Dem	Retiree Health Care Fund Contributions	A three year phased in contribution increase for employers and employees; 1.3% to 2.0% of pay and 0.65% to 1.0% respectively. Police and judge employers and employees; 1.3% to 2.5% and 0.65% to 1.25% respectively (enhanced health plan).	Senate Finance	Neutral
Health	S	428		Feldman Dem	Retiree Health Definitions and Contributions	Adds domestic partner to the definition of eligible dependents, requires full actuarial value for any purchase of service credits, requires retirees returning to work and the employer to contribute to the RHC fund.	Senate Finance	Support
Health	S	439		Wirth Dem	Domestic Partner Health Insurance	Requires insurers to offer health care coverage for domestic partners.	Senate Judiciary	Support
Health	S	569		Ortiz y Pino Dem	Health Care and Unemancipated Minors	Allows unemancipated minors age 14 and older to make their own decisions if they live apart from their parents or guardians, are themselves a parent, or face serious health consequences without the services. Consent cannot be disaffirmed because of minority. The parents or guardian of the minor are not liable for payment of such health care services unless they consented to the care. However, they are liable for payment for ER care.	Passed and signed	Neutral
Health	SJM	1		Feldman Dem	Health Care Services Common Interest Meeting	Requests the Health Policy Commission to convene a meeting of public entities engaged in the administration, delivery and payment of health care services in NM to elicit their cooperation in identifying areas of common interest and opportunities for consolidation.	Passed	Support
Health	SJM	40		Beffort Rep	Voluntary Health Insurance Exchange Study	Requests that the Insurance Division form a task force to study and implement a voluntary health insurance exchange to provide individuals and employers with greater access to and greater choice, portability and affordability of health insurance products.	House Business & Industry	Support
Health	SJR	1		Sharer Rep	Ban Health Coverage Mandates	Constitutional Amendment to ban mandated health care coverage.	Senate Rules	Support
Health	SM	3		Boitano Rep	Health Care Procedure Cost Task Force	NM Medical Society and the NM Hospital Association be requested to convene a task force comprised of representatives from the NM Medical Society, the NM Hospital Association, the University of NM Health and Sciences Center, Presbyterian Medical Services, patient and consumer advocacy organizations, private insurers and HMO's and any other organization deemed able to provide constructive input regarding health care costs and prepare recommendations on the feasibility for making estimates of health care costs to the interim Legislative Health and Human Services Committee by October 1, 2010.	Passed	Support
Other	S	559	S570	McSorley Dem	Employer Family Medical Leave Tax Credit	Employers may claim as a tax credit up to ¼ the wage cost of family medical leave for an employee or an employee's replacement, whichever is greater.	Senate Corporation & Transportation	TBD

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