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**HOUSE BILL 553**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Ray Begaye**

**AN ACT**

**RELATING TO HEALTH INSURANCE; REQUIRING COVERAGE FOR MEDICAL  
DIETS REQUIRED TO CONTROL INBORN ERRORS OF METABOLISM;  
AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.**

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

**Section 1. A new Section 59A-22-42 NMSA 1978 is enacted  
to read:**

**"59A-22-42. [NEW MATERIAL] COVERAGE FOR MEDICAL DIETS  
FOR INBORN ERRORS IN METABOLISM --**

**A. As of July 1, 2001, each individual and group  
health insurance policy, health care plan, certificate of  
health insurance and managed health care plan delivered,  
issued for delivery, renewed, extended or modified in this  
state, shall provide coverage for the treatment of inborn  
errors of metabolism that involve amino acid, carbohydrate and**

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1 fat metabolism and for which medically standard methods of  
2 diagnosis, treatment and monitoring exist.

3 B. Coverage shall include expenses of diagnosing,  
4 monitoring and controlling the disorders by nutritional and  
5 medical assessment, including clinical services, biochemical  
6 analysis, medical supplies, prescription drugs, corrective  
7 lenses for conditions related to the inborn error of  
8 metabolism, nutritional management and medical foods used in  
9 treatment to compensate for the metabolic abnormality and to  
10 maintain adequate nutritional status.

11 C. Services required to be covered pursuant to  
12 this section are subject to the terms and conditions of the  
13 applicable individual or group policy or plan that establishes  
14 durational limits, dollar limits, deductibles and co-payments  
15 as long as the terms are not less favorable than for physical  
16 illness generally.

17 D. As used in this section:

18 (1) "medical foods" means nutritional  
19 substances in any form that are:

20 (a) formulated to be consumed or  
21 administered internally under the supervision of a physician;

22 (b) specifically processed or  
23 formulated to be distinct in one or more nutrients present in  
24 natural food;

25 (c) intended for the medical and

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1 nutritional management of patients with limited capacity to  
2 metabolize ordinary foodstuffs or certain nutrients contained  
3 in ordinary foodstuffs or who have other specific nutrient  
4 requirements as established by medical evaluation; and

5 (d) essential to optimize growth,  
6 health and metabolic homeostasis; and

7 (2) "treatment" means medical services  
8 provided by licensed health care professionals, including  
9 physicians, dieticians and nutritionists, with specific  
10 training in managing patients diagnosed with inborn errors in  
11 metabolism."

12 Section 2. Section 59A-23-4 NMSA 1978 (being Laws 1984,  
13 Chapter 127, Section 463, as amended by Laws 1997, Chapter 7,  
14 Section 2 and by Laws 1997, Chapter 249, Section 2 and by Laws  
15 1997, Chapter 250, Section 2 and also by Laws 1997, Chapter  
16 255, Section 2) is amended to read:

17 "59A-23-4. OTHER PROVISIONS APPLICABLE. --

18 A. No blanket or group health insurance policy or  
19 contract shall contain any provision relative to notice or  
20 proof of loss or the time for paying benefits or the time  
21 within which suit may be brought upon the policy that in the  
22 superintendent's opinion is less favorable to the insured than  
23 would be permitted in the required or optional provisions for  
24 individual health insurance policies as set forth in Chapter  
25 59A, Article 22 NMSA 1978.

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B. The following provisions of Chapter 59A,  
Article 22 NMSA 1978 shall also apply as to Chapter 59A,  
Article 23 NMSA 1978 and blanket and group health insurance  
contracts:

(1) Section 59A-22-1 NMSA 1978, except  
Subsection C of that section; and

(2) Section 59A-22-32 NMSA 1978.

C. The following provisions of Chapter 59A,  
Article 22 NMSA 1978 shall also apply as to group health  
insurance contracts:

(1) Section 59A-22-33 NMSA 1978;

(2) Section 59A-22-34 NMSA 1978;

(3) Section 59A-22-34.1 NMSA 1978;

(4) Section 59A-22-34.3 NMSA 1978;

~~[(4)]~~ (5) Section 59A-22-35 NMSA 1978;

~~[(5)]~~ (6) Section 59A-22-36 NMSA 1978;

~~[(6)]~~ (7) Section 59A-22-39 NMSA 1978;

(8) Section 59A-22-39.1 NMSA 1978;

~~[(7)]~~ (9) Section 59A-22-40 NMSA 1978; ~~[and~~

~~(8)]~~ (10) Section 59A-22-41 NMSA 1978; and

(11) Section 59A-22-42 NMSA 1978. "