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HOUSE BILL 446

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Ray Begaye

AN ACT

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

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

**Section 1. A new section of Chapter 59A, Article 22 NMSA
1978 is enacted to read:**

**"[NEW MATERIAL] COVERAGE FOR TREATMENT OF INBORN ERRORS
OF METABOLISM --**

**A. As of July 1, 2002, 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**

underscored material = new
[bracketed material] = delete

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

underscored material = new
[bracketed material] = delete

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, having specific
10 training in managing patients diagnosed with inborn errors of
11 metabolism."

12 Section 2. A new section of Chapter 59A, Article 46 NMSA
13 1978 is enacted to read:

14 "[NEW MATERIAL] COVERAGE FOR TREATMENT OF INBORN ERRORS
15 OF METABOLISM --As of July 1, 2002, each health maintenance
16 organization or group contract shall provide coverage for the
17 treatment of inborn errors of metabolism as set forth in
18 Chapter 59A, Article 22 NMSA 1978."

19 Section 3. A new section of Chapter 59A, Article 47 NMSA
20 1978 is enacted to read:

21 "[NEW MATERIAL] COVERAGE FOR TREATMENT OF INBORN ERRORS
22 OF METABOLISM --As of July 1, 2002, subscriber contracts of a
23 health care plan shall be subject to coverage for treatment of
24 inborn errors of metabolism as required of health insurers in
25 Chapter 59A, Article 22 NMSA 1978."

