

HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
HOUSE JOINT MEMORIAL 10

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

A JOINT MEMORIAL

REQUESTING THE NEW MEXICO HEALTH POLICY COMMISSION TO  
ESTABLISH A TASK FORCE TO DEFINE "MEDICAL NECESSITY".

WHEREAS, the concept of medical necessity is widely used  
in the field of health insurance to determine what care is  
appropriate and will be covered by an insurance company; and

WHEREAS, the concept of medical necessity is not  
uniformly interpreted or applied by health insurance  
companies operating in New Mexico; and

WHEREAS, this issue arises in the context of both  
commercial insurance coverage and medicaid managed care; and

WHEREAS, if an inappropriately narrow definition of  
medical necessity is applied, appropriate care that is a  
covered benefit may be denied to a patient; and

WHEREAS, it is essential that a definition of medical  
necessity be used that ensures that appropriate care is

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1 provided to New Mexicans; and

2 WHEREAS, the definition of medical necessity should take  
3 into account individual needs and situations rather than  
4 being arbitrarily applied in an inflexible way; and

5 WHEREAS, the definition of medical necessity should  
6 recognize the special needs of patients with a particular  
7 health condition, including chronic disease, disability,  
8 mental illness and other circumstances; and

9 WHEREAS, the definition of medical necessity should  
10 ensure that decisions regarding medical necessity are made on  
11 the basis of adequate information; and

12 WHEREAS, the role of treating health care providers  
13 should be adequately recognized in making medical necessity  
14 decisions;

15 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
16 STATE OF NEW MEXICO that the New Mexico health policy  
17 commission form a task force to study this issue and make  
18 recommendations to the legislature regarding a definition of  
19 medical necessity to be used in making decisions regarding  
20 health care for New Mexicans; and

21 BE IT FURTHER RESOLVED that the task force include  
22 representatives of the health care insurance industry, a  
23 broad array of health care providers, consumer organizations  
24 and advocates and state agencies with responsibilities in  
25 this area; and

BE IT FURTHER RESOLVED that the New Mexico health policy  
commission ensure that consumers and consumer representatives

1 are adequately represented on the task force so that consumer  
2 viewpoints are properly considered; and

3 BE IT FURTHER RESOLVED that the New Mexico health policy  
4 commission report its recommendations to the legislative  
5 health and human services committee at its September 2000  
6 meeting; and

7 BE IT FURTHER RESOLVED that copies of this memorial be  
8 transmitted to the New Mexico health policy commission, the  
9 insurance division of the public regulation commission, the  
10 human services department, the department of health, the  
11 state agency on aging, the New Mexico legislative council,  
12 the legislative health and human services committee and other  
13 interested parties.

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