

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 of Chapter 59A, Article 22
NMSA 1978 is enacted to read:

"COVERAGE FOR MEDICAL DIETS FOR INBORN ERRORS OF
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 fat metabolism and for which medically standard methods of diagnosis, treatment and monitoring exist.

B. Coverage shall include expenses of diagnosing, monitoring and controlling the disorders by nutritional and medical assessment, including clinical services, biochemical analysis, medical supplies, prescription drugs, corrective lenses for conditions related to the inborn error of metabolism, nutritional management and medical foods used in treatment to compensate for the metabolic abnormality and to

maintain adequate nutritional status.

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

D. As used in this section:

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

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

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

(c) intended for the medical and nutritional management of patients with limited capacity to metabolize ordinary foodstuffs or certain nutrients contained in ordinary foodstuffs or who have other specific nutrient requirements as established by medical evaluation; and

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

(2) "treatment" means medical services provided by licensed health care professionals, including physicians, dieticians and nutritionists, with specific

training in managing patients diagnosed with inborn errors in metabolism "

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

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

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

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;
- (5) Section 59A-22-35 NMSA 1978;
- (6) Section 59A-22-36 NMSA 1978;
- (7) Section 59A-22-39 NMSA 1978;
- (8) Section 59A-22-39.1 NMSA 1978;
- (9) Section 59A-22-40 NMSA 1978; and
- (10) Section 59A-22-41 NMSA 1978.

D. Requirements for coverage of medical diets for inborn errors of metabolism, provided for in Chapter 59A, Article 22 NMSA 1978, also apply to group health insurance contracts.”

Section 3. A new section of Chapter 59A, Article 46 NMSA 1978 is enacted to read:

“COVERAGE FOR MEDICAL DIETS FOR INBORN ERRORS OF METABOLISM -- As of July 1, 2001, each health maintenance organization that delivers or issues for delivery in the state an individual or group contract shall provide coverage for the treatment of inborn errors of metabolism as set forth in Chapter 59A, Article 22 NMSA 1978.”

Section 4. A new section of Chapter 59A, Article 47 NMSA 1978 is enacted to read:

**“COVERAGE FOR MEDICAL DIETS FOR INBORN ERRORS OF
METABOLISM --As of July 1, 2001, subscriber contracts of a
health care plan shall also be subject to coverage for
medical diets for inborn errors of metabolism as required of
health insurers in Chapter 59A, Article 22 NMSA 1978.”**