

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 59

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

INTRODUCED BY

Mimi Stewart

AN ACT

**RELATING TO INSURANCE; PROVIDING COVERAGE FOR PRESCRIPTION
CONTRACEPTIVE DRUGS OR DEVICES APPROVED BY THE FOOD AND DRUG
ADMINISTRATION.**

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

**Section 1. A new section of the New Mexico Insurance
Code, Section 59A-22-42 NMSA 1978, is enacted to read:**

**"59A-22-42. [NEW MATERIAL] COVERAGE FOR PRESCRIPTION
CONTRACEPTIVE DRUGS OR DEVICES. --**

**A. Each individual and group health insurance
policy, health care plan and certificate of health insurance
delivered or issued for delivery in this state, and which
offers a prescription drug benefit, shall offer coverage for
prescription contraceptive drugs or devices approved by the
food and drug administration.**

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 B. Coverage for food and drug administration-
2 approved prescription contraceptive drugs or devices may be
3 subject to deductibles and coinsurance consistent with those
4 imposed on other benefits under the same policy, plan or
5 certificate.

6 C. The provisions of this section shall not apply
7 to short-term travel, accident-only or limited or specified-
8 disease policies. "

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

14 "59A-23-4. OTHER PROVISIONS APPLICABLE. --

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

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

underscored material = new
[bracketed material] = delete

1 contracts:

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

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

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

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

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

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

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

12 [~~(4)~~] (5) Section 59A-22-35 NMSA 1978;

13 [~~(5)~~] (6) Section 59A-22-36 NMSA 1978;

14 [~~(6)~~] (7) Section 59A-22-39 NMSA 1978;

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

16 [~~(7)~~] (9) Section 59A-22-40 NMSA 1978; [~~and~~

17 ~~(8)~~] (10) Section 59A-22-41 NMSA 1978; and

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

19 Section 3. A new section of the Health Maintenance
20 Organization Law is enacted to read:

21 "[NEW MATERIAL] COVERAGE FOR PRESCRIPTION CONTRACEPTIVE
22 DRUGS OR DEVICES. --

23 A. Each individual and group health maintenance
24 organization contract delivered or issued for delivery in this
25 state, and which offers a prescription drug benefit, shall

. 133956. 1

underscored material = new
[bracketed material] = delete

1 offer coverage for prescription contraceptive drugs or devices
2 approved by the food and drug administration.

3 B. Coverage for food and drug administration-
4 approved prescription contraceptive drugs or devices may be
5 subject to deductibles and coinsurance consistent with those
6 imposed on other benefits under the same contract. "

7 Section 4. Section 59A-47-33 NMSA 1978 (being Laws 1984,
8 Chapter 127, Section 879.32, as amended) is amended to read:

9 "59A-47-33. OTHER PROVISIONS APPLICABLE. --The provisions
10 of the Insurance Code other than Chapter 59A, Article 47 NMSA
11 1978 shall not apply to health care plans except as expressly
12 provided in the Insurance Code and that article. To the
13 extent reasonable and not inconsistent with the provisions of
14 that article, the following articles and provisions of the
15 Insurance Code shall also apply to health care plans, their
16 promoters, sponsors, directors, officers, employees, agents,
17 solicitors and other representatives; and, for the purposes of
18 such applicability, a health care plan may therein be referred
19 to as an "insurer":

- 20 A. Chapter 59A, Article 1 NMSA 1978;
21 B. Chapter 59A, Article 2 NMSA 1978;
22 C. Chapter 59A, Article 4 NMSA 1978;
23 D. Subsection C of Section 59A-5-22 NMSA 1978;
24 E. Sections 59A-6-2 through 59A-6-4 and
25 59A-6-6 NMSA 1978;

. 133956. 1

underscored material = new
[bracketed material] = delete

- 1 F. Section 59A-7-11 NMSA 1978;
- 2 G. Chapter 59A, Article 8 NMSA 1978;
- 3 H. Chapter 59A, Article 10 NMSA 1978;
- 4 I. Section 59A-12-22 NMSA 1978;
- 5 J. Chapter 59A, Article 16 NMSA 1978;
- 6 K. Chapter 59A, Article 18 NMSA 1978;
- 7 L. [~~Chapter 59A, Article 19 NMSA 1978~~] the Policy
- 8 Language Simplification Law;
- 9 [~~M Section 59A-22-2.1 NMSA 1978;~~
- 10 ~~N-~~] M Subsections B through E of Section 59A-22-5
- 11 NMSA 1978;
- 12 [~~0-~~] N. Section 59A-22-14 NMSA 1978;
- 13 [~~P-~~] 0. Section 59A-22-34.1 NMSA 1978;
- 14 [~~Q-~~] P. Section 59A-22-39 NMSA 1978;
- 15 [~~R-~~] Q. Section 59A-22-40 NMSA 1978;
- 16 [~~S-~~] R. Section 59A-22-41 NMSA 1978;
- 17 S. Section 59A-22-42 NMSA 1978;
- 18 T. Sections 59A-34-7 through 59A-34-13, 59A-34-17,
- 19 59A-34-23, 59A-34-33, 59A-34-40 through 59A-34-42 and
- 20 59A-34-44 through 59A-34-46 NMSA 1978;
- 21 U. [~~Chapter 59A, Article 37 NMSA 1978~~] The
- 22 Insurance Holding Company Law, except Section 59A-37-7 NMSA
- 23 1978;
- 24 V. Section 59A-46-15 NMSA 1978; and
- 25 W. the Patient Protection Act. "

