

1 SENATE JOINT MEMORIAL 12

2 **47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006**

3 INTRODUCED BY

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10 A JOINT MEMORIAL

11 REQUESTING THAT THE NEW MEXICO HEALTH POLICY COMMISSION, IN  
12 COORDINATION WITH THE INSURANCE DIVISION OF THE PUBLIC  
13 REGULATION COMMISSION, EVALUATE THE BENEFITS OF CONTRACEPTION  
14 USE, DISSEMINATE INSURANCE COVERAGE INFORMATION TO THE PUBLIC  
15 AND UPDATE THE STUDY OF THE INSURANCE INDUSTRY'S COMPLIANCE  
16 WITH REQUIREMENTS TO OFFER COVERAGE FOR PRESCRIPTION  
17 CONTRACEPTIVES.

18  
19 WHEREAS, Sections 59A-22-42 and 59A-46-44 NMSA 1978  
20 require health insurance providers that offer a prescription  
21 drug benefit to also offer coverage for prescription  
22 contraceptives; and

23 WHEREAS, the requirement to offer coverage for  
24 prescription contraceptives took effect on June 15, 2001; and

25 WHEREAS, in 2002 the legislature requested the insurance

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1 division of the public regulation commission to conduct a study  
2 in New Mexico to ascertain the level of knowledge of and  
3 compliance with the requirement to offer coverage for  
4 prescription contraceptives; and

5 WHEREAS, the superintendent of insurance reported back to  
6 the legislature in 2003, noting that insurers that provided  
7 prescription drug coverage also covered prescription  
8 contraceptives but many other insurers providing health  
9 insurance did not cover prescription contraceptives; and

10 WHEREAS, the study found that of five hundred eighty-nine  
11 health insurers surveyed, fewer than ten percent, or forty-  
12 seven insurers, offered coverage of prescription  
13 contraceptives; and

14 WHEREAS, it has been found that the price of prescription  
15 contraceptives can deter a woman from using contraception; and

16 WHEREAS, availability of a variety of methods of  
17 contraception allows a woman to choose prescription  
18 contraception that is easy to use, is easy to remember, fits  
19 her lifestyle best and ensures the least possibility of  
20 unwanted pregnancy; and

21 WHEREAS, the average family size desired by women includes  
22 two children, requiring a method of spacing pregnancies and  
23 preventing pregnancy for long periods of a woman's childbearing  
24 years; and

25 WHEREAS, spacing pregnancies reduces the incidence of

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1 maternal morbidity, low-birth-weight babies and infant  
2 mortality; and

3 WHEREAS, over one-half of the pregnancies in the United  
4 States are unintended, and in New Mexico one in ten women who  
5 become pregnant while using contraception do so because of  
6 inconsistent use due to running out of contraceptives and not  
7 having funds to purchase additional contraceptives; and

8 WHEREAS, many women fail to determine if their insurance  
9 plan provides coverage of prescription contraceptives and only  
10 after coverage begins do they discover that prescription  
11 contraception is not covered; and

12 WHEREAS, coverage of prescription contraceptives can  
13 benefit insurance companies by providing savings on health care  
14 costs by reducing expenses of unintended pregnancies and  
15 promoting better health for mothers and their children; and

16 WHEREAS, coverage of prescription contraceptives can  
17 reduce costs to employers by increasing the productivity and  
18 health of women employees and reducing absences associated with  
19 pregnancies, miscarriages, childbirth and larger families even  
20 as it increases the cost for health insurance by a very low  
21 additional monthly cost of less than one dollar fifty cents  
22 (\$1.50) per employee, if there is an increase in insurance cost  
23 at all; and

24 WHEREAS, many women still lack coverage for prescription  
25 contraceptives, even though private insurance plans have

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1 improved their coverage in recent years and of those  
2 contraceptives covered, many women still cannot obtain the kind  
3 of contraception they wish to use under some of these private  
4 insurance plans;

5 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
6 STATE OF NEW MEXICO that the insurance division of the public  
7 regulation commission be requested to update its 2002 survey of  
8 health insurers and report to the appropriate legislative  
9 committee no later than November 2006; and

10 BE IT FURTHER RESOLVED that the New Mexico health policy  
11 commission collect and evaluate relevant health studies and  
12 other information and determine the benefits to the state, its  
13 people and the health insurance industry of having prescription  
14 contraceptive coverage; and

15 BE IT FURTHER RESOLVED that the insurance division  
16 ascertain if the level of knowledge of and compliance with the  
17 requirement to offer coverage of prescription contraception has  
18 increased and also determine if there are limits placed on the  
19 varieties of contraception that are covered by private  
20 insurers; and

21 BE IT FURTHER RESOLVED that the insurance division extend  
22 the focus of the 2002 study to ascertain whether prescription  
23 contraceptives are covered by insurers that offer hospital and  
24 medical expenses reimbursement and managed care contracts; and

25 BE IT FURTHER RESOLVED that the insurance division prepare

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1 a list for public dissemination of health insurers that do not  
2 provide prescription contraceptive coverage; and

3 BE IT FURTHER RESOLVED that the insurance division use the  
4 data collected as a result of the study to begin a dialogue  
5 with insurance companies to encourage greater coverage of  
6 prescription contraceptives; and

7 BE IT FURTHER RESOLVED that the New Mexico health policy  
8 commission and the department of health cooperate to prepare  
9 educational materials for the public regarding availability and  
10 access to prescription contraceptives; and

11 BE IT FURTHER RESOLVED that the New Mexico health policy  
12 commission serve as the lead agency to coordinate efforts with  
13 the insurance division and provide two copies of the report  
14 generated pursuant to this memorial to the library of the  
15 legislative council service; and

16 BE IT FURTHER RESOLVED that copies of this memorial be  
17 transmitted to the New Mexico health policy commission, the  
18 superintendent of insurance and the secretary of health.