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HOUSE JOINT MEMORIAL 43
47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005
INTRODUCED BY
Mimi Stewart

A JOINT MEMORIAL

REQUESTING THE SUPERINTENDENT OF INSURANCE TO EVALUATE THE BENEFITS OF CONTRACEPTION USE, TO DISSEMINATE INSURANCE COVERAGE INFORMATION TO THE PUBLIC AND TO UPDATE THE STUDY OF THE INSURANCE INDUSTRY'S COMPLIANCE WITH REQUIREMENTS TO OFFER COVERAGE FOR PRESCRIPTION CONTRACEPTIVES.

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

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

WHEREAS, in 2002 the legislature requested the insurance division of the public regulation commission to conduct a survey in New Mexico to ascertain the level of knowledge of and

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1 compliance with the requirement to offer coverage for
2 prescription contraceptives; and

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

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

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

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

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

23 WHEREAS, spacing pregnancies reduces the incidence of
24 maternal morbidity, low-birth-weight babies and infant
25 mortality; and

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

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

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

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

22 WHEREAS, many women still lack coverage for prescription
23 contraceptives, even though private insurance plans have
24 improved their coverage in recent years and of those
25 contraceptives covered, many women still cannot obtain the kind

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1 of contraception they wish to use under some of these private
2 insurance plans;

3 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
4 STATE OF NEW MEXICO that the insurance division of the public
5 regulation commission be requested to update its 2002 survey of
6 health insurers and report to an appropriate legislative
7 committee no later than November 2005; and

8 BE IT FURTHER RESOLVED that the insurance division
9 determine the benefits to the state, its people and the health
10 insurance industry of having prescription contraceptive
11 coverage; and

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

18 BE IT FURTHER RESOLVED that the insurance division
19 ascertain whether prescription contraceptives are covered by
20 insurers that offer outpatient coverage; and

21 BE IT FURTHER RESOLVED that the insurance division prepare
22 a list for public dissemination of health insurers that do not
23 provide prescription contraceptive coverage; and

24 BE IT FURTHER RESOLVED that the insurance division use the
25 data collected as a result of the survey to begin a dialog with

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1 insurance companies to encourage greater coverage of
2 prescription contraceptives; and

3 BE IT FURTHER RESOLVED that the insurance division and the
4 department of health cooperate to prepare educational materials
5 for the public regarding availability and access to
6 prescription contraceptives; and

7 BE IT FURTHER RESOLVED that the insurance division provide
8 two copies of the report generated pursuant to this memorial to
9 the library of the legislative council service; and

10 BE IT FURTHER RESOLVED that copies of this memorial be
11 transmitted to the superintendent of insurance and the
12 secretary of health.