

A MEMORIAL

REQUESTING THAT THE NEW MEXICO HEALTH POLICY COMMISSION, IN COORDINATION WITH THE INSURANCE DIVISION OF THE PUBLIC REGULATION COMMISSION, EVALUATE THE BENEFITS OF CONTRACEPTION USE, DISSEMINATE INSURANCE COVERAGE INFORMATION TO THE PUBLIC AND 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 study in New Mexico to ascertain the level of knowledge of and compliance with the requirement to offer coverage for prescription contraceptives; and

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

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

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

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

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

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

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

WHEREAS, many women fail to determine if their insurance

plan provides coverage of prescription contraceptives and only after coverage begins do they discover that prescription contraception is not covered; and

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

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

WHEREAS, many women still lack coverage for prescription contraceptives, even though private insurance plans have improved their coverage in recent years and of those contraceptives covered, many women still cannot obtain the kind of contraception they wish to use under some of these private insurance plans;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that the insurance division of the public regulation commission be requested to update its 2002 survey of health insurers and report to the

appropriate legislative committee no later than November 2006;  
and

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

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

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

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

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

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

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

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