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HOUSE BILL 480

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Stephanie Garcia Richard

AN ACT

RELATING TO HEALTH INSURANCE; UPDATING AND CLARIFYING COVERAGE  
FOR MEDICALLY NECESSARY NUTRITIONAL MANAGEMENT AND SPECIAL  
MEDICAL FOODS FOR GENETIC INBORN ERRORS OF METABOLISM.

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

**SECTION 1.** Section 59A-22-41.1 NMSA 1978 (being Laws  
2003, Chapter 192, Section 1) is amended to read:

"59A-22-41.1. COVERAGE FOR MEDICAL DIETS FOR GENETIC  
INBORN ERRORS OF METABOLISM.--

A. As of July 1, 2003, 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 genetic inborn errors of  
metabolism that involve amino acid, carbohydrate and fat

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1 metabolism [~~and for which medically standard methods of~~  
2 ~~diagnosis, treatment and monitoring exist~~] if a licensed  
3 physician issues a written order stating that the use of an  
4 amino-acid-based elemental formula is medically necessary.

5 B. Coverage shall include expenses of diagnosing,  
6 monitoring and controlling disorders by nutritional and medical  
7 assessment, including clinical services, biochemical analysis,  
8 medical supplies, prescription drugs, corrective lenses for  
9 conditions related to the genetic inborn error of metabolism,  
10 nutritional management and special medical foods used in  
11 treatment to compensate for the metabolic abnormality and to  
12 maintain adequate nutritional status.

13 C. Services, medical supplies, prescription drugs,  
14 corrective lenses and special medical foods required to be  
15 covered pursuant to this section are subject to the terms and  
16 conditions of the applicable individual or group policy or plan  
17 that establishes durational limits, dollar limits, deductibles  
18 and co-payments as long as the terms are not less favorable  
19 than for physical illness generally. Cost sharing for special  
20 medical foods shall be equivalent to cost sharing for daily  
21 prescription medication dispensed in a one-month supply and in  
22 no event shall cost sharing be imposed on a per-meal or per-day  
23 basis.

24 D. As used in this section:

25 (1) "genetic inborn error of metabolism" means

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1 a rare inherited disorder that:

2 (a) is present at birth;

3 (b) if untreated, results in mental  
4 retardation or death; and

5 (c) causes the necessity for consumption  
6 of special medical foods;

7 (2) "special medical foods" means nutritional  
8 substances in any form that are:

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

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

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

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

21 (3) "treatment" means medical services  
22 provided by licensed health care professionals, including  
23 physicians, dieticians and nutritionists ~~[with specific~~  
24 ~~training in managing patients diagnosed with genetic inborn~~  
25 ~~errors of metabolism]."~~

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