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HOUSE BILL

**54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO HEALTH COVERAGE; ENACTING SECTIONS OF THE HEALTH CARE PURCHASING ACT, THE PUBLIC ASSISTANCE ACT, THE NEW MEXICO INSURANCE CODE, THE HEALTH MAINTENANCE ORGANIZATION LAW AND THE NONPROFIT HEALTH CARE PLAN LAW TO REQUIRE COVERAGE OF A HEART ARTERY CALCIUM SCAN FOR CERTAIN INDIVIDUALS.

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

SECTION 1. A new section of the Health Care Purchasing Act is enacted to read:

"[NEW MATERIAL] HEART ARTERY CALCIUM SCAN COVERAGE.--

A. Group health coverage, including any form of self-insurance, offered, issued or renewed under the Health Care Purchasing Act shall provide coverage for eligible enrollees to receive a heart artery calcium scan.

B. Coverage provided pursuant to this section

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1 shall:

2 (1) be limited to the provision of a heart  
3 artery calcium scan to an eligible enrollee;

4 (2) not be subject to a deductible or other  
5 cost-sharing provisions;

6 (3) be provided every five years if an  
7 eligible enrollee has previously received a heart artery  
8 calcium score of zero; and

9 (4) not be required for future heart artery  
10 calcium scans if an eligible enrollee receives a heart artery  
11 calcium score greater than zero.

12 C. At its discretion or as required by law, an  
13 insurance provider may offer or refuse coverage for further  
14 cardiac testing or procedures for eligible enrollees based upon  
15 the results of a heart artery calcium scan.

16 D. The provisions of this section shall not apply  
17 to short-term travel, accident-only or limited or specified-  
18 disease policies, plans or certificates of health insurance.

19 E. As used in this section:

20 (1) "eligible enrollee" means an enrollee who:

21 (a) is a person between the ages of  
22 forty-five and sixty-five;

23 (b) has an intermediate risk of  
24 developing coronary heart disease as determined by a health  
25 care provider based upon a score calculated from an evidence-

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1 based algorithm widely used in the medical community to assess  
2 a person's ten-year cardiovascular disease risk, including a  
3 score calculated using a pooled cohort equation; and

4 (c) agrees to follow heart disease  
5 prevention guidelines promulgated by a national nonprofit  
6 organization that educates the public regarding cardiac care to  
7 reduce disability and deaths due to cardiovascular disease and  
8 stroke;

9 (2) "health care provider" means a physician  
10 or other health care professional authorized to furnish health  
11 care services within the scope of the professional's license;  
12 and

13 (3) "heart artery calcium scan" means a  
14 computed tomography scan measuring coronary artery calcium for  
15 atherosclerosis and abnormal artery structure and function."

16 SECTION 2. A new section of the Public Assistance Act is  
17 enacted to read:

18 "[NEW MATERIAL] HEART ARTERY CALCIUM SCAN COVERAGE.--

19 A. In accordance with federal law, the secretary  
20 shall adopt and promulgate rules that provide medical  
21 assistance coverage for eligible recipients to receive a heart  
22 artery calcium scan.

23 B. Medical assistance coverage provided pursuant to  
24 this section shall:

25 (1) be limited to the provision of a heart

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1 artery calcium scan to an eligible recipient;

2 (2) not be subject to a deductible or other  
3 cost-sharing provisions;

4 (3) be provided every five years if an  
5 eligible recipient has previously received a heart artery  
6 calcium score of zero; and

7 (4) not be required for future heart artery  
8 calcium scans if an eligible recipient receives a heart artery  
9 calcium score greater than zero.

10 C. At its discretion or as required by law, a  
11 managed care organization providing medical assistance may  
12 offer or refuse coverage for further cardiac testing or  
13 procedures for eligible recipients based upon the results of a  
14 heart artery calcium scan.

15 D. As used in this section:

16 (1) "eligible recipient" means a recipient  
17 who:

18 (a) is a person between the ages of  
19 forty-five and sixty-five;

20 (b) has an intermediate risk of  
21 developing coronary heart disease as determined by a health  
22 care provider based upon a score calculated from an evidence-  
23 based algorithm widely used in the medical community to assess  
24 a person's ten-year cardiovascular disease risk, including a  
25 score calculated using a pooled cohort equation; and

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1 (c) agrees to follow heart disease  
2 prevention guidelines promulgated by a national nonprofit  
3 organization that educates the public regarding cardiac care to  
4 reduce disability and deaths due to cardiovascular disease and  
5 stroke;

6 (2) "health care provider" means a physician  
7 or other health care professional authorized to furnish health  
8 care services within the scope of the professional's license;  
9 and

10 (3) "heart artery calcium scan" means a  
11 computed tomography scan measuring coronary artery calcium for  
12 atherosclerosis and abnormal artery structure and function."

13 SECTION 3. A new section of Chapter 59A, Article 22 NMSA  
14 1978 is enacted to read:

15 "[NEW MATERIAL] HEART ARTERY CALCIUM SCAN COVERAGE.--

16 A. An individual or group health insurance policy,  
17 health care plan or certificate of health insurance delivered  
18 or issued for delivery in this state shall provide coverage for  
19 eligible insureds to receive a heart artery calcium scan.

20 B. Coverage provided pursuant to this section  
21 shall:

22 (1) be limited to the provision of a heart  
23 artery calcium scan to an eligible insured;

24 (2) not be subject to a deductible or other  
25 cost-sharing provisions;

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1 (3) be provided every five years if an  
2 eligible insured has previously received a heart artery calcium  
3 score of zero; and

4 (4) not be required for future heart artery  
5 calcium scans if an eligible insured receives a heart artery  
6 calcium score greater than zero.

7 C. At its discretion and as provided for by law, a  
8 provider of a health benefit plan may offer or refuse coverage  
9 for further cardiac testing or procedures for eligible insureds  
10 based upon the results of a heart artery calcium scan.

11 D. The provisions of this section do not apply to  
12 short-term travel, accident-only or limited or specified-  
13 disease policies, plans or certificates of health insurance.

14 E. As used in this section:

15 (1) "eligible insured" means an insured who:

16 (a) is a person between the ages of  
17 forty-five and sixty-five;

18 (b) has an intermediate risk of  
19 developing coronary heart disease as determined by a health  
20 care provider based upon a score calculated from an evidence-  
21 based algorithm widely used in the medical community to assess  
22 a person's ten-year cardiovascular disease risk, including a  
23 score calculated using a pooled cohort equation; and

24 (c) agrees to follow heart disease  
25 prevention guidelines promulgated by a national nonprofit

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1 organization that educates the public regarding cardiac care to  
2 reduce disability and deaths due to cardiovascular disease and  
3 stroke;

4 (2) "health benefit plan" means a health  
5 insurance policy, health care plan, certificate of health  
6 insurance, health maintenance organization contract or  
7 nonprofit health care plan contract delivered, issued for  
8 delivery or renewed in this state;

9 (3) "health care provider" means a physician  
10 or other health care professional authorized to furnish health  
11 care services within the scope of the professional's license;  
12 and

13 (4) "heart artery calcium scan" means a  
14 computed tomography scan measuring coronary artery calcium for  
15 atherosclerosis and abnormal artery structure and function."

16 SECTION 4. A new section of Chapter 59A, Article 23 NMSA  
17 1978 is enacted to read:

18 "[NEW MATERIAL] HEART ARTERY CALCIUM SCAN COVERAGE.--

19 A. A group or blanket health insurance policy,  
20 health care plan or certificate of health insurance delivered,  
21 issued for delivery or renewed in this state shall provide  
22 coverage for eligible insureds to receive a heart artery  
23 calcium scan.

24 B. Coverage provided pursuant to this section  
25 shall:

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1 (1) be limited to the provision of a heart  
2 artery calcium scan to an eligible insured;

3 (2) not be subject to a deductible or other  
4 cost-sharing provisions;

5 (3) be provided every five years if an  
6 eligible insured has previously received a heart artery calcium  
7 score of zero; and

8 (4) not be required for future heart artery  
9 calcium scans if an eligible insured receives a heart artery  
10 calcium score greater than zero.

11 C. At its discretion and as provided for by law, a  
12 provider of a health benefit plan may offer or refuse coverage  
13 for further cardiac testing or procedures for eligible insureds  
14 based upon the results of a heart artery calcium scan.

15 D. The provisions of this section do not apply to  
16 short-term travel, accident-only or limited or specified-  
17 disease policies, plans or certificates of health insurance.

18 E. As used in this section:

19 (1) "eligible insured" means an insured who:

20 (a) is a person between the ages of  
21 forty-five and sixty-five;

22 (b) has an intermediate risk of  
23 developing coronary heart disease as determined by a health  
24 care provider based upon a score calculated from an evidence-  
25 based algorithm widely used in the medical community to assess

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1 a person's ten-year cardiovascular disease risk, including a  
2 score calculated using a pooled cohort equation; and

3 (c) agrees to follow heart disease  
4 prevention guidelines promulgated by a national nonprofit  
5 organization that educates the public regarding cardiac care to  
6 reduce disability and deaths due to cardiovascular disease and  
7 stroke;

8 (2) "health benefit plan" means a health  
9 insurance policy, health care plan, certificate of health  
10 insurance, health maintenance organization contract or  
11 nonprofit health care plan contract delivered, issued for  
12 delivery or renewed in this state;

13 (3) "health care provider" means a physician  
14 or other health care professional authorized to furnish health  
15 care services within the scope of the professional's license;  
16 and

17 (4) "heart artery calcium scan" means a  
18 computed tomography scan measuring coronary artery calcium for  
19 atherosclerosis and abnormal artery structure and function."

20 **SECTION 5.** A new section of the Health Maintenance  
21 Organization Law is enacted to read:

22 "[NEW MATERIAL] HEART ARTERY CALCIUM SCAN COVERAGE.--

23 A. An individual or group health maintenance  
24 organization contract that is delivered, issued for delivery or  
25 renewed in this state shall provide coverage for eligible

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1 enrollees to receive a heart artery calcium scan.

2 B. Coverage provided pursuant to this section  
3 shall:

4 (1) be limited to the provision of a heart  
5 artery calcium scan to an eligible enrollee;

6 (2) not be subject to a deductible or other  
7 cost-sharing provisions;

8 (3) be provided every five years if an  
9 eligible enrollee has previously received a heart artery  
10 calcium score of zero; and

11 (4) not be required for future heart artery  
12 calcium scans if an eligible enrollee receives a heart artery  
13 calcium score greater than zero.

14 C. At its discretion or as provided for by law, a  
15 provider of a health benefit plan may offer or refuse coverage  
16 for further cardiac testing or procedures for eligible  
17 enrollees based upon the results of a heart artery calcium  
18 scan.

19 D. The provisions of this section do not apply to  
20 short-term travel, accident-only or limited or specified-  
21 disease policies, plans or certificates of health insurance.

22 E. As used in this section:

23 (1) "eligible enrollee" means an enrollee who:

24 (a) is a person between the ages of  
25 forty-five and sixty-five;

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1 (b) has an intermediate risk of  
2 developing coronary heart disease as determined by a health  
3 care provider based upon a score calculated from an evidence-  
4 based algorithm widely used in the medical community to assess  
5 a person's ten-year cardiovascular disease risk, including a  
6 score calculated using a pooled cohort equation; and

7 (c) agrees to follow heart disease  
8 prevention guidelines promulgated by a national nonprofit  
9 organization that educates the public regarding cardiac care to  
10 reduce disability and deaths due to cardiovascular disease and  
11 stroke;

12 (2) "health benefit plan" means a health  
13 insurance policy, health care plan, certificate of health  
14 insurance, health maintenance organization contract or  
15 nonprofit health care plan contract delivered or issued for  
16 delivery in this state;

17 (3) "health care provider" means a physician  
18 or other health care professional authorized to furnish health  
19 care services within the scope of the professional's license;  
20 and

21 (4) "heart artery calcium scan" means a  
22 computed tomography scan measuring coronary artery calcium for  
23 atherosclerosis and abnormal artery structure and function."

24 SECTION 6. A new section of the Nonprofit Health Care  
25 Plan Law is enacted to read:

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1           "[NEW MATERIAL] HEART ARTERY CALCIUM SCAN COVERAGE.--

2           A. An individual or group health care plan that is  
3 delivered, issued for delivery or renewed in this state shall  
4 provide coverage for eligible subscribers to receive a heart  
5 artery calcium scan.

6           B. Coverage provided pursuant to this section  
7 shall:

8                       (1) be limited to the provision of a heart  
9 artery calcium scan to an eligible subscriber;

10                      (2) not be subject to a deductible or other  
11 cost-sharing provisions;

12                      (3) be provided every five years if an  
13 eligible subscriber has previously received a heart artery  
14 calcium score of zero; and

15                      (4) not be required for future heart artery  
16 calcium scans if an eligible subscriber receives a heart artery  
17 calcium score greater than zero.

18           C. At its discretion and as provided for by law, a  
19 provider of a health benefit plan may offer or refuse coverage  
20 for further cardiac testing or procedures for eligible  
21 subscribers based upon the results of a heart artery calcium  
22 scan.

23           D. The provisions of this section do not apply to  
24 short-term travel, accident-only or limited or specified-  
25 disease policies, plans or certificates of health insurance.

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E. As used in this section:

(1) "eligible subscriber" means a subscriber who:

(a) is a person between the ages of forty-five and sixty-five;

(b) has an intermediate risk of developing coronary heart disease as determined by a health care provider based upon a score calculated from an evidence-based algorithm widely used in the medical community to assess a person's ten-year cardiovascular disease risk, including a score calculated using a pooled cohort equation; and

(c) agrees to follow heart disease prevention guidelines promulgated by a national nonprofit organization that educates the public regarding cardiac care to reduce disability and deaths due to cardiovascular disease and stroke;

(2) "health benefit plan" means a health insurance policy, health care plan, certificate of health insurance, health maintenance organization contract or nonprofit health care plan contract delivered, issued for delivery or renewed in this state;

(3) "health care provider" means a physician or other health care professional authorized to furnish health care services within the scope of the professional's license; and

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(4) "heart artery calcium scan" means a  
computed tomography scan measuring coronary artery calcium for  
atherosclerosis and abnormal artery structure and function."

SECTION 7. EFFECTIVE DATE.--The effective date of the  
provisions of this act is January 1, 2021.

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