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RELATING TO HEALTH INSURANCE; REQUIRING COVERAGE FOR MEDICAL DIETS  
REQUIRED TO CONTROL GENETIC INBORN ERRORS OF METABOLISM; ENACTING  
SECTIONS OF THE NMSA 1978.

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

Section 1. A new section of Chapter 59A, Article 22 NMSA 1978 is enacted to  
read:

"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 metabolism and for which medically standard methods of  
diagnosis, treatment and monitoring exist.

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

C. Services required to be covered pursuant to this section are subject  
to the terms and conditions of the applicable individual or group policy or plan that

establishes durational limits, dollar limits, deductibles and co-payments as long as the terms are not less favorable than for physical illness generally.

D. As used in this section:

(1) "genetic inborn error of metabolism" means a rare, inherited disorder that:

(a) is present at birth;

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

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

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

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

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

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

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

(3) "treatment" means medical services provided by licensed health care professionals, including physicians, dieticians and nutritionists, with specific

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training in managing patients diagnosed with genetic inborn errors of metabolism."

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Section 2. A new section of Chapter 59A, Article 46 NMSA 1978 is enacted to read:

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"COVERAGE FOR MEDICAL DIETS FOR GENETIC INBORN ERRORS OF METABOLISM.--As of July 1, 2003, each health maintenance organization that delivers or issues for delivery in the state an individual or group contract shall provide coverage for the treatment of genetic inborn errors of metabolism as set forth in Chapter 59A, Article 22 NMSA 1978."

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Section 3. A new section of Chapter 59A, Article 47 NMSA 1978 is enacted to read:

"COVERAGE FOR MEDICAL DIETS FOR GENETIC INBORN ERRORS OF METABOLISM.--As of July 1, 2003, subscriber contracts of a health care plan shall also be subject to coverage for special medical diets for genetic inborn errors of metabolism as required of health insurers in Chapter 59A, Article 22 NMSA 1978."