**HOUSE BILL XXX**

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

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FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO HEALTH INSURANCE; INSURANCE COVERAGE REQUIREMENTS FOR MEDICATION-ASSISTED TREATMENT.

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:

 "[NEW MATERIAL] MEDICATION-ASSISTED TREATMENT REQUIREMENTS.--

 A. Each insurer that delivers, issues for delivery, or renews an individual health insurance policy, health care plan or certificate of health insurance that provides substance use disorder prescription drug benefits or an insurer that offers, issues or renews an individual health insurance policy, plan or certificate in connection with a health insurance policy, plan or certificate of health insurance that provides substance use disorder prescription drug benefits shall not impose any prior authorization requirements on any prescription medication approved by the federal Food and Drug Administration (FDA) for the treatment of substance use disorders.

 B. Each insurer that delivers, issues for delivery, or renews an individual health insurance policy, health care plan or certificate of health insurance that provides substance use disorder prescription drug benefits or an insurer that offers, issues or renews an individual health insurance policy, plan or certificate in connection with a health insurance policy, plan or certificate of health insurance that provides substance use disorder prescription drug benefits shall not impose any step therapy requirements before the insurer will authorize coverage for a prescription medication approved by the FDA for the treatment of substance use disorders.

 C. Each insurer that delivers, issues for delivery, or renews an individual health insurance policy, health care plan or certificate of health insurance that provides substance use disorder prescription drug benefits or an insurer that offers, issues or renews an individual health insurance policy, plan or certificate in connection with a health insurance policy, plan or certificate of health insurance that provides substance use disorder prescription drug benefits shall place all prescription medications approved by the FDA for the treatment of substance use disorders on the lowest tier of the drug formulary developed and maintained by the insurer.

 D. Each insurer that delivers, issues for delivery, or renews an individual health insurance policy, health care plan or certificate of health insurance that provides substance use disorder prescription drug benefits or an insurer that offers, issues or renews an individual health insurance policy, plan or certificate in connection with a health insurance policy, plan or certificate of health insurance that provides substance use disorder prescription drug benefits shall not exclude coverage for any prescription medication approved by the FDA for the treatment of substance use disorders and any associated counseling or wraparound services on the grounds that such medications and services were court ordered.

SECTION 2. A new section of Chapter 59A, Article 23 NMSA 1978 is enacted to read:

 "[NEW MATERIAL] MEDICATION-ASSISTED TREATMENT REQUIREMENTS.--

 A. Each insurer that delivers, issues for delivery, or renews a group health insurance policy, health care plan or certificate of health insurance that provides substance use disorder prescription drug benefits or an insurer that offers, issues or renews a group health insurance policy, plan or certificate in connection with a health insurance policy, plan or certificate of health insurance that provides substance use disorder prescription drug benefits shall not impose any prior authorization requirements on any prescription medication approved by the federal Food and Drug Administration (FDA) for the treatment of substance use disorders.

 B. Each insurer that delivers, issues for delivery, or renews a group health insurance policy, health care plan or certificate of health insurance that provides substance use disorder prescription drug benefits or an insurer that offers, issues or renews a group health insurance policy, plan or certificate in connection with a health insurance policy, plan or certificate of health insurance that provides substance use disorder prescription drug benefits shall not impose any step therapy requirements before the insurer will authorize coverage for a prescription medication approved by the FDA for the treatment of substance use disorders.

 C. Each insurer that delivers, issues for delivery, or renews a group health insurance policy, health care plan or certificate of health insurance that provides substance use disorder prescription drug benefits or an insurer that offers, issues or renews a group health insurance policy, plan or certificate in connection with a health insurance policy, plan or certificate of health insurance that provides substance use disorder prescription drug benefits shall place all prescription medications approved by the FDA for the treatment of substance use disorders on the lowest tier of the drug formulary developed and maintained by the insurer.

 D. Each insurer that delivers, issues for delivery, or renews a group health insurance policy, health care plan or certificate of health insurance that provides substance use disorder prescription drug benefits or an insurer that offers, issues or renews a group health insurance policy, plan or certificate in connection with a health insurance policy, plan or certificate of health insurance that provides substance use disorder prescription drug benefits shall not exclude coverage for any prescription medication approved by the FDA for the treatment of substance use disorders and any associated counseling or wraparound services on the grounds that such medications and services were court ordered.

SECTION 3. A new section of the Health Maintenance Organization Law is enacted to read:

 "[NEW MATERIAL] MEDICATION-ASSISTED TREATMENT REQUIREMENTS.--

A. Each health maintenance organization that delivers, issues for delivery, or renews an individual or group contract that provides substance use disorder prescription drug benefits or a health maintenance organization that offers, issues or renews individual or group coverage in connection with a contract that provides substance use disorder prescription drug benefits shall not impose any prior authorization requirements on any prescription medication approved by the federal Food and Drug Administration (FDA) for the treatment of substance use disorders.

 B. Each health maintenance organization that delivers, issues for delivery, or renews an individual or group contract that provides substance use disorder prescription drug benefits or a health maintenance organization that offers, issues or renews individual or group coverage in connection with a contract that provides substance use disorder prescription drug benefits shall not impose any step therapy requirements before the health maintenance organization will authorize coverage for a prescription medication approved by the FDA for the treatment of substance use disorders.

 C. Each health maintenance organization that delivers, issues for delivery, or renews an individual or group contract that provides substance use disorder prescription drug benefits or a health maintenance organization that offers, issues or renews individual or group coverage in connection with a contract that provides substance use disorder prescription drug benefits shall place all prescription medications approved by the FDA for the treatment of substance use disorders on the lowest tier of the drug formulary developed and maintained by the health maintenance organization.

 D. Each health maintenance organization that delivers, issues for delivery, or renews an individual or group contract that provides substance use disorder prescription drug benefits or a health maintenance organization that offers, issues or renews individual or group coverage in connection with a contract that provides substance use disorder prescription drug benefits shall not exclude coverage for any prescription medication approved by the FDA for the treatment of substance use disorders and any associated counseling or wraparound services on the grounds that such medications and services were court ordered.

SECTION 4. A new section of the Nonprofit Health Care Plan Law is enacted to read:

 "[NEW MATERIAL] MEDICATION-ASSISTED TREATMENT REQUIREMENTS.--

A. Each corporation that delivers, issues for delivery, or renews an individual or group nonprofit health care plan that provides substance use disorder prescription drug benefits or a corporation that offers, issues or renews individual or group coverage in connection with a nonprofit health care plan that provides substance use disorder prescription drug benefits shall not impose any prior authorization requirements on any prescription medication approved by the federal Food and Drug Administration (FDA) for the treatment of substance use disorders.

 B. Each corporation that delivers, issues for delivery, or renews an individual or group nonprofit health care plan that provides substance use disorder prescription drug benefits or a corporation that offers, issues or renews individual or group coverage in connection with a nonprofit health care plan that provides substance use disorder prescription drug benefits shall not impose any step therapy requirements before the corporation will authorize coverage for a prescription medication approved by the FDA for the treatment of substance use disorders.

 C. Each corporation that delivers, issues for delivery, or renews an individual or group nonprofit health care plan that provides substance use disorder prescription drug benefits or a corporation that offers, issues or renews individual or group coverage in connection with a nonprofit health care plan that provides substance use disorder prescription drug benefits shall place all prescription medications approved by the FDA for the treatment of substance use disorders on the lowest tier of the drug formulary developed and maintained by the corporation.

 D. Each corporation that delivers, issues for delivery, or renews an individual or group nonprofit health care plan that provides substance use disorder prescription drug benefits or a corporation that offers, issues or renews individual or group coverage in connection with a nonprofit health care plan that provides substance use disorder prescription drug benefits shall not exclude coverage for any prescription medication approved by the FDA for the treatment of substance use disorders and any associated counseling or wraparound services on the grounds that such medications and services were court ordered.