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BULLETIN NO. 2014-013

TO: ALL INSURERS AUTHORIZED TO TRANSACT BUSINESS
IN NEW MEXICO
FROM: JOHN G. FRANCHINI, SUPERINTENDENT OF INSURANCE
DATE: SEPTEMBER 5, 2014
RE: MENTAL HEALTH PARITY AND PREVENTION

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COMMISSIONER
OF INSURANCE

THIS BULLETIN is issued pursuant to Section 59A-2-8 NMSA 1978 of the New Mexico Insurance Code, 13.1.2 *et seq.* NMAC.

The Patient Protection and Affordable Care Act (ACA) expands requirements for coverage of clinical preventive services under Medicare, Medicaid, and in the private insurance market. The purpose of this Bulletin is to remind all insurance companies doing business in New Mexico of both the prevention and parity requirements and request each issuer to inform the Office of the Superintendent of Insurance (OSI) of their coverage of evidence-based clinical preventive services.

Prior to the ACA, federal law did not require group health plans and health issuers to cover preventive services. Within six months of enactment of the ACA (September 23, 2010), group health plans and health insurance issuers in the group and individual markets were required to cover specified evidence-based clinical preventive services, without any cost sharing. This includes coverage of preventive care under four broad categories: evidence-based screenings and counseling, routine immunization, childhood preventive services, and preventive services for


women. Health plans in existence when the ACA was enacted are "grandfathered" under the law and are exempt from this requirement.

Additionally, the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) requires the integration of mental health and substance abuse disorder coverage with medical coverage. Specifically, when a benefit related to mental health or substance abuse disorders is covered, it must be covered at parity with other medical conditions.

The ACA requires plans to cover any evidence-based items or services that have an 'A' or 'B' rating in the current recommendations of the United States Preventive Services Task Force (USPSTF). For example, as of April 30, 2009, the USPSTF recommends with an 'A' rating that, clinicians screen all adults for tobacco use and provide tobacco cessation interventions for those who use tobacco products. The USPSTF indicates that, "combination therapy with counseling and medications is more effective than either [counseling or pharmacotherapy] alone." Insurers should inform the Office of the Superintendent (OSI) of their coverage of evidence based clinical services with a USPSTF rating of 'A' or 'B', as well as utilization management and cost-sharing provisions, if any, for plans submitted for the 2015 plan year.

DONE AND ORDERED this 5th day of September, 2014.

OFFICE OF NEW MEXICO SUPERINTENDENT OF INSURANCE


John G. Franchini
Superintendent of Insurance