

TITLE 13 INSURANCE
CHAPTER 10 HEALTH INSURANCE
PART 18 MINIMUM COVERAGE FOR TOBACCO CESSATION TREATMENT

13.10.18.1 ISSUING AGENCY: New Mexico Public Regulation Commission, Insurance Division.
[13.10.18.1 NMAC - N, 3/1/04]

13.10.18.2 SCOPE: This rule applies to policies, plans, contracts and certificates that offer maternity benefits delivered or issued for delivery or renewed, extended or amended pursuant to the New Mexico insurance code in this state by any person, insurer, health maintenance organization, fraternal benefit society, nonprofit health care plan, medical insurance pool or health insurance alliance transacting health insurance or providing health care services.
[13.10.18.2 NMAC - N, 3/1/04]

13.10.18.3 STATUTORY AUTHORITY: 59A-2-9.4, 59A-22-44, 59A-23-4, 59A-23B-3, 59A-46-45 and 59A-47-33 NMSA 1978.
[13.10.18.3 NMAC - N, 3/1/04]

13.10.18.4 DURATION: Permanent.
[13.10.18.4 NMAC - N, 3/1/04]

13.10.18.5 EFFECTIVE DATE: March 1, 2004 unless a later date is cited at the end of a section.
[13.10.18.5 NMAC - N, 3/1/04]

13.10.18.6 OBJECTIVE: The objective of this rule is to define minimum coverage for tobacco cessation treatment.
[13.10.18.6 NMAC - N, 3/1/04]

13.10.18.7 DEFINITIONS:

A. The following terms have the meanings given in the cited article or section of the New Mexico Statutes Annotated 1978:

- (1) Fraternal Benefit Society, Section 59A-44-1 NMSA 1978;
- (2) Health Insurance Alliance, Section 59A-56-3 NMSA 1978;
- (3) Health Maintenance Organization, Section 59A-46-2 NMSA 1978;
- (4) Insurer, Section 59A-1-8 NMSA 1978;
- (5) Insurance Code, Section 59A-1-1 NMSA 1978;
- (6) Nonprofit Health Care Plan, Chapter 59A, Article 47 NMSA 1978;
- (7) New Mexico Medical Insurance Pool, Chapter 59A, Article 54 NMSA 1978.

B. The following terms have the meanings given here.

- (1) **Maternity benefits** means coverage for prenatal, intrapartum, perinatal or postpartum care.
- (2) **Pharmacotherapy** means intervention with United States food and drug administration approved first-line drugs available by prescription only to assist cessation of tobacco use or smoking.
- (3) **Tobacco** means cigarettes (including roll-your own or handmade cigarettes), bidis, kreteks, cigars (including little cigars, cigarillos, regular cigars, premium cigars, cheroots, chuttas, and dhumti), pipe, smokeless tobacco (including snuff, chewing tobacco and bettle nut), and novel tobacco products, such as *eclipse*, *accord* or other low-smoke cigarettes.
- (4) **Cessation counseling** means a program, including individual, group, or proactive telephone quit line, that:
 - (a) is designed to build positive behavior change practices and provides counseling at a minimum on establishment of reasons for quitting tobacco use, understanding nicotine addiction, various techniques for quitting tobacco use and remaining tobacco free, discussion of stages of change, overcoming the problems of quitting, including withdrawal symptoms, short-term goal setting, setting a quit date, relapse prevention information and follow-up;
 - (b) operates under a written program outline, that at a minimum includes an overview of service, service objectives and key topics covered, general teaching/learning strategies, clearly stated methods of assessing participant success, description of audio or visual materials that will be used, distribution plan for patient education materials and method for verifying enrollee attendance;
 - (c) employs counselors who have formal training and experience in tobacco cessation programming and are active in relevant continuing education activities; and
 - (d) uses a formal evaluation process, including mechanisms for data collection and measuring participant rate and impact of the program.

[13.10.18.7 NMAC - N, 3/1/04]

13.10.18.8 REQUIRED MINIMUM COVERAGE FOR TOBACCO CESSATION TREATMENT:

A. All policies, plans, contracts and certificates that offer maternity benefits shall include at least the following tobacco cessation treatment benefits, which may be subject to deductibles and coinsurance consistent with those imposed on other benefits under the same policy, plan, contract or certificate.

- (1) **Diagnostic services:** Diagnostic services necessary to identify tobacco use, use-related conditions and dependence.
- (2) **Pharmacotherapy:** Two 90-day courses of pharmacotherapy per calendar year.
- (3) **Cessation counseling:** A choice of cessation counseling of up to 90 minutes total provider contact time or two multi-session group programs per calendar year.

B. Initiation of any course of pharmacotherapy or cessation counseling shall constitute an entire course of pharmacotherapy or cessation counseling even if an individual discontinues or fails to complete the course.

[13.10.18.8 NMAC - N, 3/1/04]

HISTORY OF 13.10.18 NMAC: [RESERVED]