

New Mexico Insurance Nominating Committee
Regular Open Meeting

Moderated by Diane Denish
Tuesday, March 12, 2024
9:00 a.m.

Office of Superintendent of Insurance
6200 Uptown Blvd NE, Suite 400
4th Floor Conference Room
Albuquerque, NM 87110

Reported by: James Cogswell
JOB NO.: 6507317

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A P P E A R A N C E S

List of Attendees:

- Diane Denish, Committee Chairwoman
- Delbert Jaramillo, Committee Member
- Dale B. Rycraft, Committee Member
- Geoffrey Romero, Committee Member
- Nora Vazquez, Committee Member (by videoconference)
- Katie Curry, Committee Member (by videoconference)
- Allegra Carpenter, Committee Member (by
videoconference)
- Jennifer Romero, Law Clerk / Committee Administrator
OSI
- Alice T. Kane, Superintendent of Insurance
- Colin Baillio, Deputy Superintendent of Insurance
- Stephen Thies, General Counsel OSI
- Todd Baran, Attorney, New Mexico Office of The
Attorney General (by videoconference)
- Julia Ruetten, Attendee - New Mexico Hospital
Association
- Anjali Taneja, Committee Member (by videoconference)
- Patti Williams, Committee Member
- Brent Moore, Attendee
- Jennifer Beck-Herrera, Attendee
- Danine Baca, Attendee
- Julianna Koob, Attendee

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P R O C E E D I N G S

MS. DENISH: Nine o'clock. It's nine o'clock and we have a quorum, so I'm going to call the meeting to order. And we'll start by introducing -- we have some new committee members here in the room with us, and a new committee member on Zoom. So I'll start by introducing myself. I'm Diane Denish. I am completing my term as chairman of this board -- and we'll talk about that later.

And I grew up in the industry, just for your information. My dad was an independent agent for years and I did a lot of work on the insurance policy issues when I was Lieutenant Governor. So it's been a pleasure to serve on this board. So do you want to introduce yourself?

MR. JARAMILLO: Sure. My name is Delbert Jaramillo. I'm from Belen, been there, raised there, I'm a Farmers insurance agent there. I haven't always been with insurance, I was in the mobile home business -- RV business. I did collections, sold mobile homes, financed them. So just -- insured them, you know. So that's a little bit of my background.

MS. DENISH: Okay. Dale?

MR. RYCRAFT: Oh, I'm sorry.

MS. DENISH: Your turn.

1 MR. RYCRAFT: I was cleaning up. My
2 name's Dale Rycraft. I'm State Underwriting Counsel
3 for First American Title. Recently just immediate
4 past president of the New Mexico Land Title
5 Association in Albuquerque for over five years now.
6 Really enjoy it here and happy to serve on this
7 committee.

8 MS. DENISH: Thank you.
9 Geoff?

10 MR. ROMERO: Geoff Romero. I'm a local
11 fellow, was born in Alburquerque, raised between here
12 and a town north of here, Pena Blanca, between here
13 and Santa Fe. I attended law school at UNM. I'm a
14 consumer attorney. I have experience in the insurance
15 industry, both while in law school -- I worked with
16 State Farm, got some experience in the claims and good
17 faith handling practices there. I've been a
18 plaintiff's lawyer since with a heavy emphasis in
19 insurance litigation and I'm a member of the New
20 Mexico Trial Lawyers. The governor's appointed --

21 MS. DENISH: And we should say you're a
22 governor's appointee.

23 MR. ROMERO: That's right.

24 MS. DENISH: You're a legislative
25 appointee.

1 MR. RYCRAFT: Governor's appointee?
2 MS. DENISH: Governor's appointee.
3 And let's see who's on there, Nora?
4 MS. ROMERO: Nora, you're on mute.
5 MS. DENISH: I think you're on mute.
6 MS. VAZQUEZ: Sorry about that. Good
7 morning. My name is Nora Vazquez, I am from Artesia.
8 I work for a local oil and gas company here in Artesia
9 as a director of human resources. I am a legislative
10 appointee and I represent the consumer/employer side
11 of the insurance business.
12 MS. DENISH: Katie?
13 MS. CURRY: Good morning. I'm Katie
14 Curry. I'm a legislative appointee as well. I live
15 in Albuquerque. I'm sorry I couldn't be there today
16 in person, I'm out of state right now. But I've lived
17 there since law school and I've worked as a lawyer.
18 I've worked routinely with insurance companies in
19 various aspects, various types -- property, fire,
20 auto, errors and omissions, professional liability
21 insurance. And I'm happy to be here today.
22 MS. DENISH: Allegra? Good morning,
23 Allegra.
24 MR. RYCRAFT: She's on mute.
25 MS. CARPENTER: Good morning, everyone.

1 I'm Allegra Carpenter. I'm a governor's appointee to
2 represent consumer interest on this committee. I'm a
3 native of Albuquerque, have practiced law in the
4 state for about 28 years. And so like Katie and
5 Geoff, had had a lot of experience in working with
6 insurance interest related to every element of
7 insurance, and mainly representing the consumer and
8 insured's interests.

9 MS. DENISH: Thank you, Allegra.

10 Am I missing anybody, Jennifer?

11 MS. ROMERO: Todd Baran.

12 MS. DENISH: Pardon?

13 MS. ROMERO: Todd Baran.

14 MS. DENISH: Oh, Tom --

15 MS. KANE: Todd Baran. Your lawyer.

16 MS. DENISH: Todd, yeah. Well he's
17 part of the staff though, I mean he's our advisor.

18 MS. KANE: From the attorney general's
19 office.

20 MS. DENISH: So we'll go ahead and
21 introduce our staff first and then we'll go to Todd.
22 Okay?

23 MS. KANE: Okay. I'm Alice Kane, I'm
24 Superintendent of Insurance. I've been here since
25 June. It's been very exciting ever since I arrived.

1 My background actually is in industry. I started at
2 New York Life 100 years ago when it was 150-year
3 anniversary, and I ended up general counsel and then I
4 ran their asset management business.

5 I went on to work for American General
6 where I redid the VALIC [ph] platform. And then I
7 became general counsel at Zurich, which manages but
8 does not own Farmers, so I knew the Farmers group on
9 Wilshire very well. And after that I was in private
10 practice with a number of law firms both
11 internationally and nationally.

12 And I came and applied last June. It's
13 been very exciting ever since, and I hope to share
14 with you what we've been doing these last eight months
15 and introduce you to some of my staff.

16 MS. DENISH: Great. And we'll go to
17 Jennifer now, our very able --

18 MS. ROMERO: I'm Jenn Romero, a law
19 clerk for the Office of Superintendent of Insurance,
20 the general counsel, and I'm the administrator for the
21 company.

22 MS. KANE: Okay. Yes. Well let's
23 start with -- my deputy and my general counsel are
24 here.

25 MR. BAILLIO: Good morning, Colin

1 Baillio, the Deputy Superintendent of Insurance.
2 Prior to doing this job I was a consumer advocate at a
3 nonprofit, and more recently have grown the healthcare
4 affordable fund programs here at the agency.

5 MR. THIES: Stephen Thies general
6 counsel I think I have everyone beat in this room
7 except for the superintendent I've been a lawyer for
8 37 years primarily in municipal but I've been at the
9 state level ten years now.

10 MS. KANE: The only thing I can say is
11 that Stephen says I walk faster than he does.

12 MR. BAILLIO: She walks faster than me,
13 too.

14 MS. DENISH: Okay. And you're a guest
15 right?

16 MS. BECK-HERRERA: I'm a guest.
17 Correct.

18 MS. DENISH: Okay. Hang on just a
19 minute.

20 So let's have -- Todd, do you want to
21 introduce yourself?

22 MR. BARAN: Good morning, everyone.
23 Todd Baran. I am with the Attorney General's office
24 and I am the attorney for the commission.

25 MS. KANE: And formerly Todd had been

1 at OSI, so he has a lot of background on what we
2 should or shouldn't be doing.

3 MS. DENISH: So I thought that -- one
4 reason that I wanted to save you to the end, Todd, if
5 you might explain a little bit what that means to
6 support the commission -- or the committee.

7 MR. BARAN: So our job is to -- legal
8 counsel at the Attorney General's office on
9 representative board or commission, is to ensure that
10 the board or commission follows its mandate,
11 understands its legal obligations, and also
12 understands and meets its compliance obligations under
13 the Open Meetings Act. For a meeting, I don't
14 anticipate any legal issues arising, and it appears
15 that everything -- that all our requires has been
16 followed. So I look forward to seeing the rest of the
17 meeting.

18 MS. DENISH: Thank you.

19 Okay. Now we'll go to our guests.

20 MS. BECK-HERRERA: Oh, well thank you.
21 My name is Jennifer Beck-Herrera and I've been in New
22 Mexico for 23 years. I grew up in a Farmers agency in
23 El Paso, Texas, so I'm really just down the road. My
24 mom was the first female agent in the state of Texas
25 so I know the people of Wilshire very well, too. I

1 grew up -- I feel like I grew up there.

2 And I just feel like we all need to be
3 very engaged in what's happening in our state and so I
4 typically dial in, but since it was in Albuquerque I
5 thought I'd come in person. And I have been with
6 Liberty Mutual, the Hartford, and now I'm with EMC
7 Insurance.

8 MS. DENISH: Thank you.

9 Brent, our frequent guest.

10 MR. MOORE: Hi, everyone. My name is
11 Brent Moore. I'm a lawyer up in Santa Fe. I recently
12 started my own law firm and I represent a number of
13 trade associations and individual insurance companies,
14 and they're all very interested in what you guys are
15 doing. So I'm here to listen in and write a report.

16 MS. DENISH: Thank you.

17 MS. RUETTEN: Hi there, my name is
18 Julia Ruetten and I'm with the New Mexico Hospital
19 Association.

20 MS. DENISH: Thank you.

21 Thanks for coming, everybody. This is
22 a little small room, we're going to get to know each
23 other really well. Okay. So that's Items 1, A and B,
24 under the call to order. Those of you -- the approval
25 of the agenda, if there are any additions or

1 corrections.

2 We'll have a couple of other members
3 joining us this morning, I think, and we'll introduce
4 them later. But are there any additions or -- we
5 can't really add things to the agenda that have not
6 been publicly part of the earlier agenda. If there
7 are none I'll entertain a motion for approval.

8 MR. ROMERO: So moved.

9 MS. DENISH: Is there a second?

10 MR. RYCRAFT: Second.

11 MS. DENISH: There's a motion and a
12 second, all in favor say aye.

13 MULTIPLE SPEAKERS: Aye.

14 MS. DENISH: And then the next item is
15 approval of the minutes from the springtime of '23
16 which was our last three meetings. Many of those had
17 to do with interviewing and sorting out as we were
18 looking for a new superintendent. Some people -- the
19 new people probably don't know whether those minutes
20 are accurate or not, but does anybody see any
21 additions or corrections.

22 Patti's usually the minutes person that
23 kind of pays attention, but the meeting started at
24 9:00. So anybody have any additions or corrections?
25 Allegra -- or who else was up there, Nora, do you all

1 have any additions or corrections to the past three
2 minutes?

3 MS. CARPENTER: No, I don't.

4 MS. VAZQUEZ: I don't.

5 MS. DENISH: Is there a motion to
6 approve the minutes for March 30th, April 24th, and
7 April 25th of 2023.

8 MR. RYCRAFT: I'll move.

9 MS. CARPENTER: So moved.

10 MR. ROMERO: Second.

11 MS. DENISH: All in favor.

12 MULTIPLE SPEAKERS: Aye.

13 MS. DENISH: Opposed?

14 The next item is swearing in of the new
15 members. And since Anjali is not here yet, I think if
16 it's okay with the committee I'd like to wait. We
17 were gonna do that all together, so I'd like to wait
18 until she arrives.

19 Have you heard from her, Jennifer?

20 Okay. I think I have her stuff in here.

21 MS. ROMERO: Oh. She just joined
22 online.

23 MS. DENISH: Huh?

24 MS. ROMERO: She just joined online.

25 MS. KANE: She joined online.

1 MS. DENISH: Oh, okay. Okay. Did she
2 make it? Is she up there?

3 MS. ROMERO: She is.

4 MS. DENISH: She said she's trying to
5 get on while she's driving. That's not good. Okay.
6 She's in. But I still would like to do the swearing
7 in in person for the people that are going to be here.
8 So when Anjali gets here we'll swear in the new
9 members if that's okay, even though I'm sorry Katie
10 can't be here for that.

11 So nominating committee governance.
12 For an information purposes we've included in there
13 the governance document for the nominating committee.
14 Do you see that here?

15 Hi, Patti.

16 MS. WILLIAMS: Good morning. I
17 apologize for being late.

18 MS. KANE: It should be under your tab
19 after the oath.

20 MS. DENISH: It's under all these
21 minutes; right? Okay. So the duties in this
22 administrative attachment, this is just a reminder of
23 what the committee is about, and who can be appointed,
24 who cannot be appointed, and what our responsibilities
25 are. There are several people on this committee whose

1 terms have expired. But the way the law works is
2 people continue to serve.

3 We are working with the governor's
4 office to see if she wants to make any changes or if
5 she is gonna reappoint everybody that's currently on
6 here, so we hope to hear from her by the time we have
7 our next meeting. And under that same category, I
8 think, of nominating and of governance, I just wanted
9 to mention a couple of things to the committee.

10 When I said that I completed my term as
11 chair, I would like to set a process -- I'm elected by
12 the committee. And I would like to work -- and I hope
13 maybe with Nora and Patti, to set up a process to
14 elect the chair at our next regular meeting.

15 Nora, are you listening? Did you hear
16 me?

17 MS. VAZQUEZ: [No audible response.]

18 MS. DENISH: She's frozen.

19 Nora?

20 Technology.

21 MS. KANE: When it works.

22 MS. DENISH: So the way in which I was
23 elected, people could submit a letter of interest if
24 they were interested in being chair. Committee
25 members could encourage people to do that if they

1 wanted to, and then -- but we should put a process in
2 place for that to happen. So I'd like to work with
3 Nora.

4 Would you do that, Nora? Would you
5 work with me to set up a process? And I'm going to
6 ask you to do two things today -- that's what you get
7 for not being here in person, but -- and Patti. Maybe
8 we'll set up a process, it'll be simple and to the
9 point, but we'll do it at our next meeting and we'll
10 advertise it. And we would allow other people to put
11 their letter of interest in, or their letter of non-
12 interest.

13 MR. ROMERO: Of which there will be
14 one.

15 MS. KANE: Of which -- we will reject
16 that one.

17 MS. DENISH: And okay, so I just wanted
18 to mention that. The second thing that I wanted to
19 mention is at our next regular meeting it will time to
20 evaluate the superintendent after one year. And so
21 I'll work with -- I'll ask some of you to work with me
22 on that. Some ways for us, questions the committee
23 has for Alice to respond to, and you know, just the
24 right thing to do.

25 We had thought we might do it after six

1 months but her house of horrors kind of kept us from
2 doing that, meaning all the different things that were
3 happening in the department. So we didn't actually
4 end up doing that.

5 And so yeah. So I just wanted to
6 mention those two things. We're not going to do
7 anything about them today, but we'll be trying to put
8 those two processes in place. Okay. All right. The
9 superintendent's report.

10 MS. KANE: Yes. A good segway into my
11 house of horrors.

12 MS. DENISH: Right.

13 MS. KANE: But some successes.

14 MS. DENISH: Oh, Anjali, are you still
15 on there or are you coming upstairs? Anjali?

16 I guess she's not -- is she not on
17 there?

18 MS. ROMERO: No.

19 MS. DENISH: Okay. I was going to have
20 her --

21 MS. ROMERO: She is, but she's on mute.

22 MS. DENISH: -- introduce herself, but
23 I don't see her. But of course I can't see that far
24 anyway.

25 MS. ROMERO: She's on.

1 MS. TANEJA: I'm here.

2 MS. DENISH: Okay. Anjali.

3 MS. TANEJA: Yes.

4 MS. DENISH: So would you like to
5 introduce yourself for a minute before -- we're going
6 to move onto the agenda and the superintendent's
7 report.

8 MS. ROMERO: Do you want to do the oath
9 now that everyone's here? Do you want to do the oath?

10 MULTIPLE SPEAKERS: But she's not --

11 MS. TANEJA: I would love to --

12 MS. ROMERO: Oh, she's not here,
13 someone's missing -- still missing.

14 MS. TANEJA: Can you hear me?

15 MS. DENISH: Yeah, we can hear you. So
16 could you introduce yourself?

17 MS. TANEJA: Yes. I would love to
18 introduce myself, and I look forward to seeing you all
19 in a few minutes when I arrive there. I'm coming from
20 my clinic. My name's Anjali Taneja. I am a family
21 physician and the executive director of Casa de Salud
22 Clinic in the South Valley. I also work in an
23 emergency room on the Navajo nation.

24 And I really be excited to join this
25 committee and have been involved in -- other statewide

1 committees with the Primary Care Council and the
2 Governor's Council on Racial Justice. Thank you.

3 MS. DENISH: Anjali, are you going to
4 be joining us in person? Are you on your way here?

5 She said she was driving over. We were
6 going to wait and swear everybody in when she got
7 here, but if she's not we'll do it remotely. This is
8 the ultimate distracted driving, I think.

9 MR. RYCRAFT: We don't want to swear
10 her in --

11 MS. KANE: No, not while she's on the
12 road.

13 MS. DENISH: So we have two other
14 guests that would like to introduce themselves.

15 MS. BACA: I'm Danine Baca. I'm an
16 insurance broker in Santa Fe.

17 MS. KOOB: Hi, I'm Julianna Koob. I
18 work with the Trial Lawyer Association. Nice to see
19 everybody. Thank you, Madam Chair.

20 MS. DENISH: Okay. All right. Well,
21 go to the --

22 MS. KANE: Staffing?

23 MS. DENISH: We'll go to the report.

24 MS. KANE: Yes. Okay. I have about
25 four items I wanted to speak about this morning.

1 Staffing has been one of our successes and challenges,
2 as many of these issues have been. We have a 20
3 percent -- well, 21 percent vacancy rate. We have
4 been having trouble really recruiting in some of the
5 professional services areas.

6 So one of the things when I first came
7 in, we were being reviewed by the accreditation
8 committee from the NAIC, which is critical for a
9 statewide regulatory system. So they had mentioned
10 that we seem to be low on financial analysts, and we
11 were trying to recruit them. We went to the NAIC and
12 they issue a report every year about what people are
13 paying financial analysts, and we were way below that.

14 So we went to SPO and got support to
15 raise those salaries pretty dramatically, I think 20
16 to 25 percent on average. We were very pleased, I
17 think about two months ago, to be able to recruit
18 someone -- who isn't here today unfortunately, Don
19 Gilbert, who was at Hanover and an ex-PWC person, to
20 start running the financial analyst group. He's doing
21 it sort of -- not totally remotely, sort of one week
22 in New Mexico and then three weeks remote.

23 Hopefully if his wife finds a job in
24 industry nursing he will move here, we seem to have
25 that two-couple piece. But he's been fabulous and

1 we're all very pleased to have him. And we are
2 recruiting more financial analysts, but it's a
3 challenge.

4 The other challenge is -- well we have
5 been challenged in the general counsel's office, we
6 had a number of resignations and openings. I would
7 say that our general counsel has really put a focus on
8 that and I think we've got three people recruited in
9 the last two months and one on the way, I hope.

10 We were very lucky during the session,
11 one of the legislative supporters came up and asked if
12 she could -- if she might be able to interview so we
13 are interviewing her. She was from Senator Duhigg's
14 office, so it's been a pretty successful but intense
15 process.

16 We lost our chief actuary who was
17 recruited by industry, again for a substantial
18 increase. So what I've done -- we've gone to SPO.
19 Not everything's been approved, but I'm trying to --
20 I've got about 15 percent we got to -- well I'll talk
21 to you about the budget, but we have the money to
22 increase salaries by pretty much around 15 percent
23 overall.

24 I'm trying to do where I need it and
25 we're focused heavily on getting professionals. So

1 we've had a challenge with attorneys, we've had a
2 challenge with financial analysts, and actuaries seem
3 to be scarcer than -- whatever phrase you want to use,
4 but they're hard to find and we are going to continue
5 to try to look for them. If we can't do that, we will
6 ultimately have to go to outsourcing.

7 Some of the other smaller states like
8 Rhode Island have gone to outsourcing actuaries, but I
9 really -- what we're trying to do is have really
10 exciting careers stay in New Mexico and not have to
11 either outsource or telework as much as possible. So
12 that's really been our focus. So we've been heavily
13 recruiting, we've been successful in some areas, still
14 struggling in others, getting increases from SPO where
15 we think we need them, and checking with other states
16 and what's going on nationally so we're not below.

17 I think I would segway -- and we've
18 also -- into the cyber incident. I think that was
19 another area that was under resourced, we had no cyber
20 experts when the hack happened. We worked closely
21 with DoIT, who are very, very helpful to us. They
22 knew what professionals to bring in, what forensic
23 people to bring in, and what outside resources we
24 needed.

25 We are now recruiting -- I've got

1 authorization, I think, to recruit four more people
2 with cyber expertise. Again a struggle to find cyber
3 experts -- forget in New Mexico, anywhere right now.
4 We'll move into my last item -- but every place you
5 turn there's another hack and it's been hitting the
6 insurance industry hard, most recently the
7 UnitedHealth one, so that's been another issue.

8 But I think we're working on that. I
9 wouldn't wish a hack on anyone, even my worst enemy.
10 Coming back up after that is really quite a challenge,
11 and so we are sympathetic to the people that are
12 having hacks but we also know that, you know, things
13 have to continue.

14 Our budget. We were very successful in
15 getting our budget approved by the legislative -- the
16 legislature. We were very pleased with that, and
17 we're going forward again in increasing our cyber-
18 protections and getting the appropriate -- I'm not
19 going to use the right terminology, but the equipment
20 and the experts in to make sure not only do we have
21 the people, but we have all the protections, the
22 updates, the resources, to be more secure.

23 And again as I said with the budget,
24 I'm able to recruit at a higher salary and retain
25 people. Because you can't just go and raise salaries

1 for the people you're recruiting, you must do it for
2 the people that are still here because that's only
3 fair and equitable. And you really want a retention
4 program as much as you want a recruiting program,
5 because there's awful -- I would say we've been
6 struggling in certain areas, but the people that I
7 found here are incredibly dedicated and incredibly
8 knowledgeable.

9 You know, Colin, luckily I found
10 quickly and made him a deputy. You know, he didn't
11 have any gray hair before he became a deputy, but you
12 know the last six months have been quite a challenge.
13 And then Stephen, both of them were interim -- we got
14 to work together and feel comfortable with each other
15 and now they're my -- you know, two of my, you know,
16 mainstays in running the department, as well as some
17 other people who I will hope to bring to introduce you
18 to.

19 Let's see. And then the session, which
20 was -- everyone told me about "the session." Luckily
21 my introduction, they keep on telling me, was only a
22 30-day session not a 60-day session, and you know, not
23 everybody could introduce bills. But we were pretty
24 active in the session and it was a pretty intense
25 process, but an incredible learning process about New

1 Mexico and, you know, the people that are working with
2 it.

3 Colin and Stephen were really important
4 in that, in so far as commenting on legislation and
5 helping us draft legislation. And I'm going to ask
6 Colin to go through the bills that we were involved
7 with, where we've been giving mandates, and then had
8 to support some of these -- the legislation that was
9 passed. Colin, do you want to lead that?

10 MS. DENISH: Let me just -- before
11 that, do any of the committee members have any
12 questions about the --

13 MS. KANE: Oh, pardon me. Sorry.

14 MS. DENISH: Yeah, no. I just -- on
15 the budget there, included in your packet is a
16 synopsis of all the different things that happened on
17 the budget. Which some of them are related to the
18 legislation that was passed, but I just wondered if
19 there's anybody that had any questions about the
20 budget at this time.

21 MS. KANE: We are self-supporting, as
22 you may know. We do assessments, we don't -- then the
23 legislature has to appropriate money to us, even
24 though we bring in more than we use. So we've usually
25 been positive on the -- well not usually, we're very

1 positive on the budget. I think we used about three
2 percent of the gross or -- I should -- I'll come in
3 with more details next time about what we assessed,
4 what we bring in, what we use, and what are special
5 appropriations.

6 MS. WILLIAMS: Did you get any
7 pushback -- any committee?

8 MS. KANE: No.

9 MS. WILLIAMS: None at all? Good.

10 MS. KANE: Not that I was at, there may
11 have been a meeting that I didn't know about. But no,
12 we got a lot of support. We were explaining some of
13 the, you know, challenges that we had in recruiting
14 and in the cyber incident, and the legislature was
15 extremely supportive in making sure that we were
16 appropriately resourced I feel.

17 MS. DENISH: Okay. Okay. Colin?

18 MR. BAILLIO: So if there are any
19 budget questions we're happy to take those but there
20 were some bills that passed this year that impacted --

21 Would you like me to join you?

22 MS. KANE: Please come to the table.

23 MS. DENISH: Go up to the table.

24 MS. KANE: My staff usually likes to
25 sit in the back when I'm having a meeting, but now

1 that they're -- no.

2 MS. DENISH: And on the bills that were
3 passed, you could talk about which ones the department
4 supported -- or the office supported, and which ones
5 just were bills.

6 MS. KANE: Were asked for us to
7 participate in.

8 MR. BAILLIO: Great.

9 MS. KANE: Right. And I will say one
10 other thing that we've been doing and I think it's
11 been working extremely well, I have a leadership group
12 that meets on a weekly basis. We're really doing a
13 lot of, you know, cross-communication and leveraging
14 what each other knows.

15 And ultimately we're going to try
16 to put together some dashboard so we sort of know
17 what's going on with every company across, you know,
18 licensing, assessments, complaints, whatever,
19 especially in the larger producers, so we get a
20 better -- more insight and -- more immediate insight
21 in what's going on. Okay.

22 MR. BAILLIO: Great. So the first bill
23 that we have on there -- and I will say, this was a
24 very healthcare-heavy session. And I think that's
25 been the case for many sessions now really during this

1 governor's administration, there's been a real focus
2 in the legislature is very focused on health issues,
3 and so the main impact on insurance here really are on
4 the health side.

5 So House Bill 7 was one that the agency
6 did support. It's related to the Healthcare
7 Affordability Fund. This is a fund that provides
8 financing for a number of programs including for our
9 Health Insurance Marketplace. We provide a ten
10 percent reduction to small businesses and are going to
11 be setting up a program for uninsured folks as well.

12 So this actually increases the amount
13 of funding that goes to that fund, will really provide
14 those resources that we need to have sustainable
15 funding, but also some important expansions of these
16 programs so that more people can benefit from them.

17 House Bill 33 is one that we initially
18 had been neutral on but ultimately believed that it
19 was important enough that we lent our support to it.
20 This is a bill that provides transparency in drug
21 pricing across the supply chain. So anybody who's
22 looked at how drugs are priced and kind of got into
23 the details, know that there are a bunch of different
24 stages where prices get impacted, and it impacts
25 different methods of distributing drugs differently.

1 So the purpose of this bill really was
2 to have OSI gather information so that we can give
3 legislators and the public better insight into how
4 along that supply chain the prices change.

5 MS. WILLIAMS: Do you get an FTE [ph]
6 for that, or do use existing resources?

7 MR. BAILLIO: We'll use existing staff.
8 We did get \$100,000 to implement this. We're likely
9 going to need a little more of that ongoing, but it
10 will be enough for us to get that off the ground.

11 MS. WILLIAMS: And is that for
12 personnel or whatever you need?

13 MR. BAILLIO: I think it's in the
14 contracting section.

15 MS. KANE: -- were going to be using
16 outside resources to support us in this, with the
17 analytics.

18 MR. BAILLIO: House Bill 181 is helping
19 us to get in compliance with some of the NAIC model
20 laws around our guaranty funds. This actually brings
21 the HMOs into guaranty fund. These are associations
22 that are there to ensure that if an insured becomes
23 insolvent that claims can still be paid.

24 And so it brought those types of
25 carriers in, it changes the method for how we assess

1 long-term care insurance solvencies, increases the
2 number of board members on that association, and then
3 it appeals a section of the HMO Act related to
4 replacement of coverage in the event of an insolvency.

5 Senate Bill 14, this was a major
6 governor's initiatives, and I know this committee
7 talked about it quite a bit during the interview
8 process related to the Health Care Authority. A lot
9 of the bill itself was cleanup of the act, making sure
10 that anywhere in our statutes where the words "Human
11 Services Department" are found, now it says "Health
12 Care Authority."

13 But the major substantive change that
14 impacts OSI is that the Healthcare Affordability Fund
15 that we've been administering will move over to the
16 Health Care Authority. And the reason for this is
17 that they're attempting to try to bring together all
18 the different healthcare programs that impact
19 coverage, and impact access to care, into one agency
20 to better coordinate and streamline those programs.

21 So that's the first page. I don't know
22 if there are any questions on those bills or if you'd
23 like me to move on to the next?

24 MS. KANE: No, flip to the exciting
25 ones.

1 MR. BAILLIO: So Senate Bill 15, this
2 actually was an agency-led bill and it's related to
3 mergers and acquisitions of hospitals. OSI, as you
4 all might know, did have to review the Presbyterian
5 merger earlier this year because of the insurance side
6 of that proposed merger, and were surprised to find
7 that there wasn't really a counterpart to what we were
8 doing on that review on the hospital side.

9 And so had, you know, reached out to
10 multiple other agencies that would normally do
11 something like that, and learned that New Mexico
12 really didn't have that authority in place to review
13 transactions that could impact access to care. And so
14 we worked closely with the governor's office, we
15 contracted with Jane Wishner -- who folks here might
16 know, to really look at what other states have done in
17 this area and what would be most appropriate here, and
18 ultimately came down to a process that was focused on
19 four major elements, availability of care, access to
20 care, the quality of care, and the affordability of
21 care.

22 And looking at mergers and acquisitions
23 through that lens to ensure that that public interest
24 was being considered. Now there was a very, very -- I
25 want to say lengthy, but I guess it wasn't because it

1 was a short session. But a very --

2 MS. KANE: It was intense.

3 MR. BAILLIO: Intensive -- intensive
4 negotiation process. This bill was originally drafted
5 to look much more broadly at the healthcare industry
6 because there's quite a bit of consolidation going on
7 across the industry. And ultimately, because it was a
8 short session, we recognized, you know, we might need
9 more time to do that more comprehensive approach.

10 We were able to work with the hospitals
11 to find kind of a short-term solution, where there
12 would be a review process in place for this year. But
13 over the interim we're really going to be working with
14 all of the stakeholders in the industry, consumer
15 groups, patient advocates, and make sure that we've
16 got something that is going to work for New Mexico.
17 And so over the next year, really are going to be
18 working on developing that more comprehensive
19 legislation that includes opportunity for public input
20 and transparency.

21 MS. KANE: And just --

22 MS. DENISH: I have a question, the
23 sunset clause in this bill?

24 MS. KANE: Yes. Yes.

25 MS. DENISH: Is that with the idea that

1 after this year, review and formulating things that
2 the -- that you'll come up with -- there'll be
3 another --

4 MS. KANE: This is more a transition
5 period, is what we're -- we worked with the industry,
6 and there are a number of members here who worked with
7 us on that, and spent a long Saturday -- short,
8 intense session together. But yes. And we've
9 committed -- everybody's committed to working together
10 to come up with a more comprehensive approach which we
11 believe is needed.

12 I would say, where we come in with some
13 expertise is the fact that we've been reviewing
14 insurance company mergers and acquisitions, and change
15 of control, and so we're going to build on that
16 expertise and then turn to experts -- and working with
17 the Health Care Authority as well, to really focus on
18 that, you know, access, essential services, quality,
19 and cost. So it's a different lens but a similar
20 process of what we've done for eons on the insurance
21 side.

22 MS. DENISH: Those people that are on
23 remotely, I want to -- if anybody has any comments on
24 this particular Bill 15, because it was one of the
25 more high-profile bills, let me -- you know, I'd like

1 to recognize you.

2 Katie, do you have any comments on this
3 bill at all?

4 MS. CURRY: No, not so far. But I am
5 interested in hearing more about this process. Thanks
6 for --

7 MS. DENISH: And just to clarify,
8 especially for the new members, we don't take votes or
9 set policy for the department. However we want to be
10 an informed committee as we work with our
11 superintendent, for her evaluation, and you know, we
12 need to know the things that are going on.

13 Allegra, did you have any comments on
14 this particular bill?

15 MS. CARPENTER: Not on this particular
16 bill. But I do have a couple of questions and
17 comments generally, but I'll save them for the
18 conclusion of the presentation.

19 MS. DENISH: Okay. Okay.

20 MS. KANE: Great. And we are -- this
21 is going to be, you know, pretty much an open process
22 and we're going to be inviting people in over the year
23 to come back with hopefully a bill that all groups can
24 support.

25 MS. DENISH: Who else? Nora, do you

1 have any comments --

2 MS. VAZQUEZ: No. I don't have any
3 questions at this time.

4 MS. DENISH: Okay. Okay. And Anjali
5 is somewhere in the universe. I see her name's still
6 up there but -- well, okay.

7 MS. KANE: -- Colin.

8 MR. BAILLIO: Sure.

9 MS. DENISH: Anybody else in the room
10 have any comments?

11 MS. KANE: Any comments on the process?

12 MS. RUETTEN: Well we were in that
13 Saturday meeting, from the Hospital Association. We
14 truly just appreciate the willingness and openness
15 from all of us -- there were lots of folks in that
16 room -- to know that we were all going to be giving a
17 little bit of what our desired perfect bill would be.
18 And I think for -- it was probably 40 minutes, maybe,
19 I think we really made a lot of progress and came to
20 an area where we all equally disliked parts of various
21 parts of the bill.

22 MS. KANE: It was a true compromise,
23 pain on all sides.

24 MS. RUETTEN: Yeah, true compromise.
25 Yeah, exactly. And we look forward to working on the

1 full bill, and we know that the superintendent and
2 Colin will be open to us getting some clarification on
3 the current iteration of the bill, and appreciate the
4 sponsor and just everybody.

5 MS. KANE: Yeah. Yes. Senator Duhigg
6 was very involved in -- you know, very helpful as
7 well.

8 MS. DENISH: Okay. Next one.

9 MR. BAILLIO: Great. So the next bill
10 is Senate Bill 17. This doesn't necessarily directly
11 impact OSI, but we thought it was important to support
12 this bill. It is essentially a way for us to generate
13 a lot more money to support our hospitals in the
14 state. New Mexico was one of just a few states that
15 didn't kind of fully leverage the Medicaid dollars
16 that could be available for our hospitals.

17 And the Hospital Association, along
18 with the governor's office and the Health Care
19 Authority, worked closely together to develop an
20 approach whereby hospitals would generate revenue that
21 could then be invested into higher Medicaid
22 reimbursement rates. The federal government has
23 recently opened up opportunities to reimburse
24 hospitals and other types of providers much higher
25 than they had previously considered before.

1 And so New Mexico jumped on this
2 opportunity. We of course know that our rural
3 hospitals especially need a lot of support right now,
4 it's a really challenging time, and so we did lend our
5 support to this bill. I think it got through almost
6 unanimously.

7 MS. RUETTEN: Correct.

8 MR. BAILLIO: Very close.

9 MS. RUETTEN: One vote in opposition,
10 so.

11 MR. BAILLIO: Right. And our hope on
12 this as well, really is that moving forward if this is
13 going to be stable and Medicaid is going to be
14 reimbursing providers at an adequate level, that that
15 ultimately could lead to, you know, the constituents
16 that we represent, the private consumers of insurance,
17 that the rates could ultimately be lowered on them.

18 Because we often hear that because of
19 those lower public rates, you know, the private side
20 gets charged more. Well hopefully as this stabilizes,
21 we can play a role in helping to make sure that that
22 is the case.

23 MS. KANE: We're hoping it's going to
24 ease the provider crisis, too, that we have.

25 MR. BAILLIO: Mm-hmm. Yep.

1 MS. WILLIAMS: How?

2 MS. KANE: By raising the rates and
3 probably attracting more providers, for feeling like
4 they'd be reimbursed for compensation. Yes.

5 MS. WILLIAMS: -- reimbursement rates.
6 Okay.

7 MS. KANE: It's a hope.

8 MR. BAILLIO: Yeah. And the real
9 desire with this bill, and I know it's actually in the
10 law, it requires 75 percent of the funding to stay in
11 state, it can't move out of the state. So the hope is
12 that goes to salary increases, that goes towards
13 recruiting more physicians, nurses, other types of
14 providers into the state.

15 Senate Bill 135 is related to step
16 therapy. This was a bill that initially we had
17 concerns with, but after working with the sponsors we
18 were able to come around to supporting this
19 legislation. What the amended version of it does is
20 prohibit insurance carriers from imposing step therapy
21 requirements for medically necessary FDA-approved
22 drugs when it's prescribed for cancer and autoimmune
23 diseases.

24 So it wouldn't apply in instances where
25 there's a biosimilar or interchangeable biologic or

1 generic versions, but it really makes it so that, you
2 know, if somebody has a --

3 MS. KANE: Chronic.

4 MR. BAILLIO: Sorry?

5 MS. KANE: Chronic.

6 MR. BAILLIO: Yeah, a chronic
7 condition, and you know, doesn't need to go through
8 that process because they need immediate access to
9 medication, that there's a streamlined process for
10 those individuals.

11 MS. KANE: And this was a concept that
12 was brought up at the NAIC meetings and the health
13 committees when we've gone the last year to the
14 meetings. Because you know, it's really the idea that
15 if you're getting, you know, chemotherapy, you don't
16 have to get it approved every time. You've got a
17 chronic condition, you know, and the medication
18 doesn't change and it's still approved, it's
19 continued. It's really ease of care and so we were
20 ultimately very supportive of this one.

21 MR. BAILLIO: And then finally, I think
22 this is maybe the first time OSI has ever gotten a
23 capital outlay, but --

24 MS. DENISH: There's a first for
25 everything.

1 MR. BAILLIO: Yeah. But it actually
2 makes sense because it has to do with building out
3 physical IT and also software development, and it's a
4 pretty big IT project. But right now, the way that we
5 do network adequacy review to make sure that, you
6 know, providers -- that our carriers have enough
7 providers in the network to meet our state and
8 national standards is very manual.

9 We have to, you know, review those just
10 with our staff and look at it. And it makes it really
11 challenging for us to know at what point the
12 information's accurate because it's such a dynamic
13 landscape. So we have been working on some
14 preliminary development of a tool that would really be
15 one -- what we call one source of truth.

16 So a way where every provider that's
17 credentialed in the state, and every insurer, would be
18 reporting that information to a single system so that
19 everyone's using the same baseline. And we did get
20 funding to actually implement that project through
21 this.

22 And so it'd be the actual development
23 of that system that would provide tools not only for
24 us, but for consumers and providers and insurers, to
25 be able to see in real time where providers are in

1 network and aren't. And that's the ultimate vision
2 for this. We'll have until 2028 to complete that
3 project, but we would like to start moving on it
4 really as soon as we possibly can.

5 So those are the major bills that
6 passed that affected us. Of course, there were quite
7 a few others that didn't pass, and I'm sure next
8 legislative session is going to be a very exciting
9 one.

10 MS. DENISH: Were there any department
11 bills that did not pass that you all were pushing?

12 MS. KANE: No. We didn't really -- I
13 think 15 was the only one that it was a -- the only
14 agency bill that we put in.

15 MS. DENISH: Right.

16 MR. BAILLIO: Mm-hmm.

17 MS. DENISH: Okay.

18 MR. BAILLIO: And next session we
19 actually will be -- and we had hoped we might be able
20 to do it this time, but there's an NAIC model act for
21 cybersecurity of insurers.

22 MS. DENISH: There's Anjali.

23 MR. BAILLIO: And that model act, we're
24 hoping to actually implement this year. It really
25 ensures that the insurance carriers have clear

1 guidance on reporting to us when there is a cyber
2 incident with them or one of their vendors that would
3 impact consumers in New Mexico.

4 MS. KANE: And also requiring certain
5 requirements within the insurance company itself on
6 governance, cybersecurity, you know -- you know, a
7 special credentialed person to review all that
8 independently in the company. So it's really a focus
9 on it, which obviously is really needed based on what
10 we're seeing every day, you know.

11 MS. DENISH: Okay. So Anjali Taneja is
12 here.

13 And thank you, Anjali. Would you like
14 to introduce yourself? We're just at the end of the
15 agenda, so.

16 MS. TANEJA: Sure.

17 MS. DENISH: But please introduce
18 yourself and then we'll swear in the new members.
19 Okay.

20 MS. TANEJA: I apologize for being
21 late, I was coming from my clinic, I had a fire to put
22 out -- metaphorical. My name's Anjali Taneja. I'm a
23 family physician and the executive director of Casa de
24 Salud Clinic in the south valley of Albuquerque, and I
25 also work in an emergency room on Navajo Nation, and

1 have done a lot of work over time around health care
2 and health care policy, and I serve on a couple
3 different statewide councils including the primary
4 care council and others. And I've been listening by
5 Zoom, so I'm really excited about all the legislation
6 that's been discussed.

7 MS. DENISH: Thank you.

8 So Jennifer, what's the process to
9 swear in the new members?

10 MS. KANE: I think the oath?

11 MS. ROMERO: Yeah, we have the oath.

12 MS. DENISH: We're going to back to
13 that item of Number 2, which is to give them their
14 oath and swear in the new members.

15 MS. DENISH: Did we all do this?

16 MS. WILLIAMS: Yes, we did. A long
17 time ago, Chair.

18 MS. ROMERO: You can stand if you want
19 to.

20 MS. DENISH: Okay. So let's see, new
21 members Mr. Jaramillo, Dr. Taneja, Katie Curry. Is
22 there any other new members I'm missing up there?
23 Okay. So if you all will repeat after me. I don't
24 know, I've just taken oaths I've never administered
25 oaths.

1 MS. WILLIAMS: Stick your hand up and
2 say those things.

3 MS. DENISH: Raise your right hand and
4 repeat after me, including your name. I --

5 MR. JARAMILLO: Delbert Jaramillo.

6 MS. TANEJA: Anjali Taneja.

7 MS. DENISH: -- do solemnly swear --

8 MULTIPLE SPEAKERS: -- do solemnly
9 swear --

10 MS. DENISH: -- that I will support the
11 Constitution of the United States --

12 MULTIPLE SPEAKERS: -- that I will
13 support the Constitution of the United States --

14 MS. DENISH: -- and the Constitution
15 and the laws of the State of New Mexico --

16 MULTIPLE SPEAKERS: -- and the
17 Constitution and the laws of the State of New
18 Mexico --

19 MS. DENISH: -- and that I will
20 faithfully and impartially discharge the duties --

21 MULTIPLE SPEAKERS: -- and that I will
22 faithfully and impartially discharge the duties --

23 MS. DENISH: -- of member of the
24 Superintendent -- the New Mexico Insurance Nominating
25 Committee --

1 MULTIPLE SPEAKERS: -- of member of the
2 New Mexico Insurance Nominating Committee --

3 MS. DENISH: -- on which I am about to
4 enter --

5 MULTIPLE SPEAKERS: -- on which I am
6 about to enter --

7 MS. DENISH: -- to the best of my
8 ability --

9 MULTIPLE SPEAKERS: -- to the best of
10 my ability --

11 MS. DENISH: -- so help me God.

12 MULTIPLE SPEAKERS: -- so help me God.

13 MS. DENISH: Okay. All right. Yay.

14 Now we have a little celebration, we have some
15 confetti, and we have a -- and okay. So we will --
16 before we go to the public comment arena, I'm going to
17 let the committee make any comments that they want to
18 make, and then we'll go to the public comment. Okay.
19 So is anybody on the committee -- first any of you in
20 the room, have any comment about anything that we
21 talked about today or anything that is under our
22 purview, which is only one thing.

23 Okay. Nora, do you have some comments?
24 I think we've got the camera on you.

25 MS. VAZQUEZ: I do not at this time.

1 Thanks.

2 MS. DENISH: Okay. And Allegra?

3 MS. CARPENTER: Yes, Madam Chair. I do
4 have a couple of questions and comments, and I wanted
5 to thank you very much for your service on this
6 committee and I'm saddened to hear that you are
7 planning to step down as chair. Related to that
8 process that you discussed about setting up the
9 selection process for the new chair --

10 MS. DENISH: Wait -- if you can wait.
11 I haven't said whether I want to be the chair or not.

12 MS. CARPENTER: -- it does sound like
13 what you're proposing is a subcommittee to set up that
14 process, and so I think we should probably formalize a
15 subcommittee on that and I would propose that Geoff
16 Romero also sit on that subcommittee.

17 MS. DENISH: Say that a minute -- say
18 that again?

19 MS. CARPENTER: -- would propose that
20 Geoff Romero also sit on that subcommittee.

21 MS. DENISH: You know, I'll determine
22 the subcommittee. Okay? But I'd take that into
23 consideration. Okay?

24 MS. CARPENTER: Well does it not need
25 to be a formal subcommittee?

1 MS. DENISH: Not really. I mean, we
2 can just do it like we did it last time.

3 MS. CARPENTER: Procedurally -- I mean,
4 every time we've had a process committee set up -- for
5 example, when we set up a subgroup of our quorum to,
6 for example, set up the selection process for
7 applicants to superintendent role, we set up a formal
8 subcommittee.

9 MS. DENISH: I beg your pardon? There
10 was no formal --

11 MS. CARPENTER: -- we set up a formal
12 subcommittee --

13 MS. DENISH: There was no formal
14 committee when I was elected chair.

15 MS. CARPENTER: -- to create that
16 process.

17 MS. DENISH: Yeah, so -- but I'll take
18 that into consideration. I'll talk to Geoff as he's
19 interested in being on that subcommittee?

20 MR. ROMERO: Always.

21 MS. DENISH: Always.

22 MS. ROMERO: Todd Baran is raising his
23 hand.

24 MS. DENISH: Pardon me?

25 MS. ROMERO: Todd Baran is raising his

1 hand.

2 MS. DENISH: Todd, did you have
3 something to say? Oh, there you are, you've got your
4 hand up. We'll let Todd comment on that. Todd?

5 MR. BARAN: So yeah, you do not need a
6 formal subcommittee. And any action to set one up
7 today would stray from your agenda, so ...

8 MS. DENISH: Right.

9 MS. KANE: Madam Chair, I think you
10 would -- could you clarify that you are not stepping
11 down? Maybe you --

12 MS. DENISH: No. I have not said
13 whether I'm stepping down or whether I'm continuing,
14 but if I'm interested in going forward I'll be happy
15 to submit my letter of interest like any other
16 candidates.

17 So Todd, tell me what you said again?

18 MS. KANE: Can't do it --

19 MS. DENISH: We can't do a committee?

20 MS. KANE: It's not on the agenda.

21 It's another --

22 MR. BARAN: You don't need a
23 subcommittee to select a chair. Set a agenda item,
24 people can express interest or nominate folks amongst
25 the -- you know, the members of the commission to be

1 the chair, and then you can have a debate, a vote on
2 it, and that's the typical way that chairs get
3 selected.

4 MS. DENISH: I think the chair --

5 MR. BARAN: -- the subcommittee
6 process -- conversation is straying away from the
7 agenda.

8 MS. KANE: He can't hear you while he's
9 talking.

10 MS. DENISH: Todd, we're going to talk
11 to you --

12 MS. CARPENTER: All right. Well I
13 apologize, but I didn't understand that this was going
14 to be a topic so I would have asked for it be an
15 agenda item. But unless you were contemplating
16 stepping down I don't know why we're talking about
17 setting up a process, so I guess I'm a little confused
18 myself about that.

19 Regarding the existing members and
20 governor's appointments, as I understand it -- and
21 maybe Mr. Baran can enlighten us, anyone in the state
22 of New Mexico who is appointed to a committee who is
23 not replaced continues to serve it's -- automatic --
24 continue on.

25 Mr. Baran? Yes?

1 MR. BARAN: That is correct. They
2 continue to serve until a replacement has been
3 appointed or they resign.

4 MS. CARPENTER: Okay. So additionally
5 I wanted to ask -- and I truly appreciate the reports
6 on the legislative agenda, it sounds like you all were
7 quite busy up in Santa Fe. And I wanted to also ask
8 the superintendent about her comments related to the
9 self-funding nature of the OSI. The OSI is by statute
10 designed to be budget-neutral to taxpayers, and that
11 is also true for this organization called the
12 Patient's Compensation Fund.

13 And I know people are tired of
14 having -- talk about PCF, but I just want to point out
15 that in the -- especially Chair Denish is tired of the
16 fact that Patient's Compensation Fund seems to take up
17 so much time -- the overall responsibility of the
18 superintendent. And I just wanted to point out --
19 maybe this isn't really going to work. I can change
20 my backdrop. Just a second.

21 MS. DENISH: I can't see that.

22 MS. CARPENTER: This is your summary,
23 and this is how much of the summary relates to the
24 Patient's Compensation Fund. This is a picture of the
25 organization of the OSI, this is how much of your

1 organization is the PCF. And so I really truly think
2 we need to figure out what's going on there.

3 And I know Madam Chair has stated that
4 this committee doesn't have any responsibility in the
5 directives of the organization, but that's not
6 entirely true because we are in fact the only
7 organization that has any oversight over the OSI, not
8 even the governor has the oversight responsibility
9 that we do. And it is our fiduciary duty to taxpayers
10 to ensure that we don't continue to bleed out -- if
11 this organization isn't getting the actuarial
12 assessments that are needed, et cetera, et cetera, et
13 cetera.

14 So I have raised these concerns with
15 Madam Chair and she has suggested that I -- a meeting
16 with the superintendent and I'm going to follow that
17 suggestion. And I just wanted to share that though
18 with everyone on this committee, because I do think
19 it's something we need to watch very closely because
20 we want to make sure we are meeting our responsibility
21 as the only oversight committee of this organization.

22 MS. DENISH: Thank you for those
23 comments. Are there any other comments from the
24 committee?

25 MS. KANE: Yeah. I just want to say

1 one other thing. The PCF has an advisory board, the
2 advisory board is going to meet, I think next month.
3 So Allegra, you're certainly welcome, it's an open
4 meeting, to come to the advisory board where the
5 actuaries will discuss what's going on, you can see
6 the -- you know, and it's a much more focused meeting
7 on the operation and the status of the PCF. And the
8 advisory board is supported by --

9 MS. CARPENTER: I will also be asking
10 for a personal meeting, which was what Chair Denish
11 suggested I do.

12 MS. KANE: No, no. I just was pointing
13 out that there is an advisory board that is looking at
14 the PCF in addition -- you know, I think Todd can
15 certainly share -- you know, can have a -- maybe we
16 would ask Todd to come and talk about the role the
17 nominating committee, you know --

18 MS. CARPENTER: I'm sorry -- I'm so
19 sorry.

20 MS. DENISH: And those things can be
21 addressed in the evaluation of the superintendent at
22 her annual review, but we do not set the policy on
23 that or --

24 MS. WILLIAMS: And Superintendent,
25 doesn't, under Senate Bill 14, the Patient

1 Affordability Fund move to the Health Care Authority
2 July 1st?

3 MS. KANE: That's two different pieces.

4 MS. WILLIAMS: They're two different
5 pieces.

6 MS. KANE: Pieces, yeah. The
7 Affordability Fund is different from --

8 MS. WILLIAMS: Is going to stay under
9 you?

10 MS. KANE: No. That's going to the
11 Health Care Authority. So far the Patient
12 Compensation Fund is under the superintendent.

13 MS. WILLIAMS: Okay.

14 MS. KANE: Okay. But there is an
15 advisory board that's appointed by the legislature and
16 we're having a meeting, is what I'm sharing.

17 Allegra, I certainly will have a
18 meeting with you personally, but I just wanted you to
19 know that there was that function, you know, and there
20 is a meeting in April.

21 MS. CARPENTER: Thank you so much.

22 MS. DENISH: Yeah. Okay. Any other
23 comments from the committee?

24 Comments from the public? Brent, you
25 have any comments?

1 MR. MOORE: Just happy to be here.

2 MS. DENISH: Since you're the longest
3 serving public person. I believe we've heard from the
4 Hospital Association, any other comments?

5 MS. BACA: I do have a question about
6 the NIAC cyber act?

7 MS. KANE: The NAIC?

8 MS. BACA: Correct. I'm sorry, I
9 apologize. Would that apply to P&C carriers as well,
10 or did that specifically focus on healthcare?

11 MS. KANE: No it's every -- it's all
12 entities that we regulate. It's pretty much -- the
13 model follows what New York adopted, I don't know,
14 eight years ago or more, and then became a model rule
15 and we've been looking at it. Had it not been such a
16 short session we might have introduced it this time,
17 and then based on what's happened since, it only
18 reinforces what we think we need for the industry.
19 And Liberty -- the people -- most of the companies are
20 under it through other states, but we want one here in
21 New Mexico.

22 MS. BACA: Great. We were one of the
23 last states to actually adopt, just regulations, from
24 a P&C carrier standpoint, and how notification needed
25 to be done, that was probably five or six years ago.

1 We were one of the last three of the states --

2 MS. KANE: Well we won't be the last in
3 this one. I don't remember the exact number, but it's
4 not 50 states, and we'd be one of -- you know, not the
5 earliest adapters but certainly not the last.

6 MS. BACA: I'm so glad to hear that.
7 Thank you -- very much.

8 MS. DENISH: Anybody else have
9 comments?

10 MS. BECK-HERRERA: Madam Chair, just
11 that this is the first OSI meeting that I've been to
12 in person and the views are spectacular and relaxing.

13 So thank you for the space,
14 Superintendent.

15 MS. DENISH: A little small and cozy.

16 MS. BECK-HERRERA: That's okay.

17 MS. DENISH: Yeah. If everybody was
18 here we'd be in trouble, wouldn't we?

19 MS. BECK-HERRERA: Yes.

20 MS. KANE: But we counted heads of who
21 would be here in person, so we thought we'd make it.

22 MS. DENISH: Any comments?

23 MS. WILLIAMS: No.

24 MS. DENISH: Okay. Any other comments?

25 So the last item I think on the agenda

1 is thinking about future meetings, and if it would be
2 the approval of the committee I would like to work
3 with the superintendent to figure out when we want to
4 do the evaluation process, which would be a --
5 probably a closed meeting for personnel discussions.

6 But then the next -- the calendar in
7 terms -- we had a hard time last year getting a
8 quorum, and so we've had some time in between our
9 meetings. But I would like to have another meeting,
10 you know, within a six-month period. But we may have
11 a closed session for the evaluation session and then
12 go to the next -- we could report out on that at the
13 next general meeting. Does that sound like a --

14 MR. ROMERO: Sounds like a good plan.

15 MS. DENISH: An okay thing?

16 MR. ROMERO: Yes.

17 MS. DENISH: Okay. And we will work
18 with the governor's office to make sure that people
19 are reappointed, or to get things to see if we can --

20 MS. WILLIAMS: And there's still one
21 vacancy on the legislative roster?

22 MS. DENISH: No. Mr. Jaramillo filled
23 that vacancy.

24 MS. WILLIAMS: Okay. Good.

25 MS. KANE: We have a full --

1 MS. DENISH: Do you go by -- what do
2 you go by, your first name?

3 MR. JARAMILLO: Delbert.

4 MS. DENISH: Delbert. You do go by
5 Delbert? Okay. So Delbert, is that -- and were you
6 also from the same area that our previous member was
7 from?

8 MR. JARAMILLO: Yes.

9 MS. DENISH: He was from Belen.

10 MR. JARAMILLO: Los Lunas.

11 MS. DENISH: Yeah.

12 MR. JARAMILLO: He passed.

13 MS. DENISH: I know. He was young.

14 MS. WILLIAMS: Oh God, that was awful.

15 MS. DENISH: Okay. Are there any other
16 comments? Okay. Thank you everybody who joined us
17 remotely. Katie and Allegra and Nora, thank you for
18 being here. I think the attorney general wanted us to
19 tell everybody that we really encourage in-person
20 attendance at the meeting, so hopefully we'll set up
21 the next one where people can be in person, everybody.
22 We can all get to know each other even more. Okay.
23 Do I hear a motion to adjourn?

24 MR. ROMERO: So moved.

25 MR. RYCRAFT: Second.

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MS. DENISH: Thank you, Dale.

All in favor say aye.

MULTIPLE SPEAKERS: Aye.

MS. DENISH: Okay. Thank you
everybody.


(Whereupon, the meeting concluded at
10:06 a.m.)

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CERTIFICATE

I, JAMES COGSWELL, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Dated: March 26, 2024



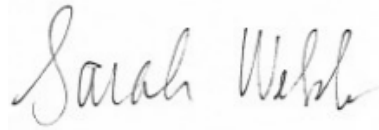
JAMES COGSWELL
Notary Public in and for the
State of New Mexico

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I, SARAH WEBB, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Dated: March 26, 2024



SARAH WEBB

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