STATE OF NEW MEXICO

OFFICE OF SUPERINTENDENT OF INSURANCE

SUPERINTENDENT OF INSURANCE
Russell Toal

DEPUTY SUPERINTENDENT
Robert E. Doucette, Jr.

NM OFFICE OF SUPERINTENDENT OF INSURANCE

BULLETIN 2020-021

December 03, 2020

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TO: EVERY ENTITY THAT PROVIDES ACA GRANDFATHERED INDIVIDUAL OR GROUP MAJOR MEDICAL HEALTH INSURANCE TO A NEW MEXICO RESIDENT

FILED

RE: CLARIFICATION OF BULLETIN 2019-003

In Bulletin 2019-003, the superintendent of insurance announced "that non-ACA compliant plans may not be renewed, and that any person covered under any such policy or plan shall be transitioned to ACA compliant plans as of their 2019 renewal date." Some insurers have questioned whether this directive applies to policies or plans that qualify for "grandfathered" status under the ACA.

The superintendent agrees that the determination whether an ACA grandfathered policy or plan may be renewed, or enroll new members, must be made on a case-by-case basis. Because Bulletin 2019-003 suggests that no ACA grandfathered plan may be renewed or enroll new members after January 1, 2020, that bulletin requires clarification.

To clarify, Bulletin 2019-003 does not apply to an ACA grandfathered plan. Every ACA grandfathered plan that currently provides coverage for a New Mexico resident may be continued, subject to all applicable ACA and New Mexico Insurance Code requirements. Nothing in this bulletin precludes the superintendent from determining, on a case-by-case basis, whether a policy or plan that purports to be ACA grandfathered should be ordered not to renew or enroll new members.

If you have questions regarding this Bulletin, please contact Viara Ianakieva at viara.ianakieva@state.nm.us

Thank you for your cooperation.

ISSUED this 3rd day of December, 2020.

RUSSELL TOAL
Superintendent of Insurance