

STATE OF NEW MEXICO  
**OFFICE OF SUPERINTENDENT OF INSURANCE**

**SUPERINTENDENT OF INSURANCE**  
Russell Toal



**DEPUTY SUPERINTENDENT**  
Jennifer A. Catechis

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**BULLETIN 2021-020**

**September 27, 2021**

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**TO: ALL HEALTH CARE BENEFIT PROVIDERS SUBJECT TO THE JURISDICTION OF THE SUPERINTENDENT OF INSURANCE PURSUANT TO SECTION 59A-15-16 NMSA 1978.**

**RE: APPLICABILITY OF RULE 13.10.13.12 NMAC TO COST-SHARING FOR PFIZER COVID-19 BOOSTER DOSE**

The Food and Drug Administration (“FDA”) has expanded its Emergency Use Authorization for the Pfizer COVID-19 vaccine to allow a booster dose for certain populations. Subsequently, the Centers for Disease Control and Prevention recommended that the following high-risk populations receive a booster dose of the Pfizer vaccine at least 6 months after completing their primary series of the vaccine:

- people aged 65 years and older;
- residents aged 18 years and older in long-term care settings;
- people aged 50–64 years with underlying medical conditions;
- people aged 18–49 years with underlying medical conditions; and
- people aged 18–64 years at increased risk for COVID-19 exposure and transmission because of occupational or institutional setting.

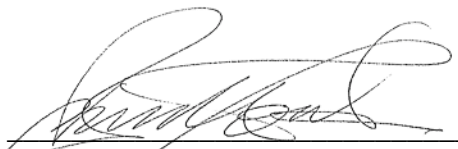
This Bulletin reminds all subject carriers that COVID-19 vaccines, including booster doses, are exempt from all cost-sharing for enrollees pursuant to Rule 13.10.13.12 NMAC as implemented by the Notice and Order entered in OSI Docket No. 20-00070-COMP-LH. Prohibited cost-sharing includes deductibles, co-insurance and co-payments. In addition, OSI reminds payers that COVID-19 testing remains exempt from cost-sharing obligations when the testing is medically appropriate as determined by a provider. This includes testing for employees in high-risk environments such as nursing homes and other congregate settings, and it includes all FDA-approved COVID-19 tests. Cost-sharing exemptions for COVID-19 testing, vaccines and vaccine boosters apply to all group

plans and plans providing individual coverage, including self-funded plans, all group and individual insurers (including grandfathered and transition plans) on and off a Health Insurance Exchange, and to state and local government health plans. OSI expects these exemptions to remain in place at least through the end of the Public Health Emergency.

The OSI also urges all carriers to remind their providers of the cost-sharing exemptions, and to refrain from billing the patient. The OSI suggests that carriers reach out to their members who are eligible for a Pfizer booster to encourage them to discuss the individual risks and benefits of the booster with their provider.

Thank you for your cooperation.

**ISSUED this 27 day of September, 2021.**



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**RUSSELL TOAL**  
**Superintendent of Insurance**