

STATE OF NEW MEXICO

OFFICE OF SUPERINTENDENT OF INSURANCE

DEPUTY SUPERINTENDENT
Robert E. Doucette, Jr.



DEPUTY SUPERINTENDENT
Bryan E. Brock

SUPERINTENDENT OF INSURANCE
John G. Franchini

NEW MEXICO
OFFICE OF
SUPERINTENDENT
OF INSURANCE

2019 MAY 10 PM 1:31

FILED

BULLETIN 2019-007

May 10, 2019

**TO: ALL INSURANCE CARRIERS THAT OFFER HEALTH BENEFITS PLANS
SUBJECT TO THE SURPRISE BILLING PROTECTION ACT**

RE: S.B. 337, SURPRISE BILLING PROTECTION ACT

THE FOLLOWING BULLETIN is issued pursuant to Sections 59A-2-8 and 59A-2-10, NMSA 1978 and 13.1.2.1 to 13.1.2.10 NMAC.

On April 4, 2019, Governor Michelle Lujan Grisham signed Senate Bill 337, the Surprise Billing Protection Act (“the Act”). The Act may apply when a covered person receives out-of-network emergency care at a nonparticipating facility or receives non-emergent care from a nonparticipating provider at a participating facility. Under these circumstances, the Act mandates that consumers are responsible only for the amount they would pay if they had received the services from a participating facility or provider. The Act also establishes a reimbursement mechanism for the balance due to a provider from a carrier for the services rendered.

To facilitate implementation of the Act, every health insurance carrier subject thereto shall conspicuously include the following statement in the Evidence of Coverage for each subject plan with an effective date of January 1, 2020, or later:

1. Cost-sharing and benefits limitations for an emergency health care service rendered by a nonparticipating provider shall be the same as if rendered by a participating provider. Prior authorization shall not be required for emergency health care services.

2. Cost-sharing and benefits limitations for a medically necessary, non-emergent health care service rendered by a non-participating provider at a participating facility where the covered person had no ability or opportunity to choose to receive the service from a participating provider shall be the same as if the service was rendered by a participating provider.

3. Cost-sharing and benefits limitations for a medically necessary, non-emergent health care service where no participating provider is available to render the service shall be the same as if the service was rendered by a participating provider.

Any person aggrieved by a bulletin may request a hearing before the Superintendent in accordance with Section 59A-4-15, NMSA 1978.

If you have questions regarding this bulletin, please contact the Life and Health Product Filing Bureau at (505) 827-4601 or LHRFF.osi@state.nm.us.

DONE AND ORDERED this 10th day of May 2019.



JOHN G. FRANCHINI
Superintendent of Insurance