

STATE OF NEW MEXICO

OFFICE OF SUPERINTENDENT OF INSURANCE

SUPERINTENDENT OF INSURANCE
Russell Toal



DEPUTY SUPERINTENDENT
Jennifer A. Catechis

BULLETIN 2022-019

October 4, 2022

TO: ALL FULLY INSURED HEALTH INSURANCE PLANS OFFERING MAJOR MEDICAL COVERAGE IN NEW MEXICO IN THE INDIVIDUAL MARKET; ALL HEALTH INSURANCE BROKERS IN NEW MEXICO

RE: APPLICATION OF OPEN ENROLLMENT AND SPECIAL ENROLLMENT PERIODS TO INDIVIDUAL OFF-EXCHANGE PLANS

The New Mexico Office of Superintendent of Insurance (OSI) is issuing this bulletin to clarify the application of annual open enrollment periods (OEPs) and special enrollment periods (SEPs) to the sale of individual, fully-insured, major medical plans that meet qualified health plan standards and are sold *outside* the New Mexico Health Insurance Exchange (off-exchange plans).

The annual 2022 OEP for off-exchange plans for individuals begins November 1, 2022 and ends on December 15, 2022. Additionally, off-exchange plans may be sold during SEPs triggered by qualifying events, which are described by the US Department of Health and Human Services (HHS) on its [healthcare.gov](https://www.healthcare.gov/coverage-outside-open-enrollment/special-enrollment-period/) website: <https://www.healthcare.gov/coverage-outside-open-enrollment/special-enrollment-period/>.

SEPs that are *not* linked to qualifying events, and which are authorized by either HHS or the New Mexico Health Insurance Exchange (beWellnm) - called “special SEPs” for the purposes of this Bulletin - *do not* apply to off-exchange individual plans. These special SEPs are publicized on the beWellnm website and on [healthcare.gov](https://www.healthcare.gov). Carriers and brokers who sell off-exchange plans to individuals and families are not to sell these plans outside of the off-exchange annual OEP, or outside of an SEP triggered by a qualifying event.

Individuals and families inquiring about health insurance coverage during open enrollment or a qualifying-event SEP should always first be offered a plan that is sold on beWellnm, or should be referred to beWellnm so that they can take advantage of any financial assistance that may be available to them. Individuals and families seeking coverage outside of the annual off-exchange OEP, and who are not eligible for a qualifying event SEP, should be offered a plan that is sold on beWellnm if it is during either beWellnm's annual OEP (November 1, 2022 – January 15, 2023) or an HHS or beWellnm special SEP.

Please note that small group plans are not subject to OEPs or SEPs. They may be purchased on the Small Business Health Options Program (the SHOP Exchange) or off-exchange at any time.

Questions concerning this bulletin should be directed to Julie Weinberg at julie.weinberg2@state.nm.us

ISSUED this 4th day of October, 2022.



RUSSELL TOAL
Superintendent of Insurance