

STATE OF NEW MEXICO OFFICE OF SUPERINTENDENT OF INSURANCE



INTERIM SUPERINTENDENT OF INSURANCE
Jennifer A. Catechis

BULLETIN 2023-011

MAY 11, 2023

TO: ALL MAJOR MEDICAL HEALTH INSURERS LICENSED TO SELL HEALTH INSURANCE IN NEW MEXICO

RE: NQTL COMPARATIVE ANALYSES DATA CALL

The Consolidated Appropriations Act, 2021, which was signed into law and became effective December 27, 2020, included an amendment to Section 2726(a) of the Public Health Service Act, Strengthening Parity in Mental Health and Substance Use Disorder benefits. The Final Rules for the Mental Health Parity and Addiction Equity Act of 2008, (MHPAEA), were issued in November 2013 and included provisions that require group health plans and health insurance issuers to perform and document comparative analyses of nonquantitative treatment limitations (NQTLs). Group plans and health insurance issuers are further required to make these analyses available to applicable state authorities upon request.

Pursuant to Section 59A-4-3 NMSA 1978, and to ensure that all New Mexicans have access to care and coverage compliant with state and federal parity requirements, the New Mexico Office of Superintendent of Insurance (“OSI”) directs every subject health plan to submit comparative analyses, using the attached data call tools.

Group plans and health insurance issuers are required to report analyses regarding health care coverage for plan years beginning on or after January 1, 2021, and offered through December 31, 2022, i.e., Plan Year 2021 and Plan Year 2022.

Timeline:

Reporting regarding utilization management protocols, as described in the data call tool, is due by Thursday, June 22, 2023.

Lines of Business:

The reported data shall include information on major medical health coverage offered in New Mexico in the following major medical markets:

- Individual HMO with highest enrollment (both on- and off-exchange)
- Small Group fully insured HMO and PPO with highest enrollment
- Large Group fully insured HMO and PPO with highest enrollment (as applicable)

Null reporting is not required for insurers that do not offer major medical health insurance coverage.

Data to Report:

NQTL analyses relating to the following utilization management protocols: prior authorization, concurrent review, and retrospective review as outlined in the data call template.

A second set of NQTL analyses regarding network build and network adequacy will be requested in a subsequent Data Bulletin.

A snapshot of the data call template and instructions are provided in Appendix A.

Reporting Procedure:

The report must be submitted using the designated Data Call template, which is available for download on the OSI website at: <https://www.osi.state.nm.us/pages/bureaus/mcb/resources/mental-health-parity>

All reports must be submitted through the SERFF online portal under the Network Adequacy TOI, Informational Filing Type.

OSI will accept submissions at either the group or individual company level. If reporting by group, please include all companies in the group or ensure that no companies are duplicated within separate submissions. Individual companies, not part of a group, should provide their company code in the group code field on the template.

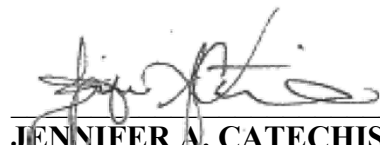
OSI will hold a webinar on June 1, 2023, at 11:30 a.m. MT, during which an overview of the data call tool will be provided and subject matter experts will be available to answer questions. OSI will provide a link to all major medical insurers required to report. OSI will provide updated frequently asked questions as needed based on questions received.

The collection and analysis of the data will be performed by OSI's contracted consultants Regulatory Insurance Advisors, LLC ("RIA"). Please submit questions to the RIA Team at NMDataCall@riaconsulting.net.

Failure to submit the information requested in the data call may result in the imposition of fines, rejection of qualified health plan certification, or revocation of license.

As always, OSI thanks carriers for their partnership and cooperation.

ISSUED this 11th day of May, 2023.



JENNIFER A. CATECHIS
Interim Superintendent of Insurance