

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

Mailing Address: P.O. Box 1689, Santa Fe, NM 87504-1689  
Physical Address: 1120 Paseo de Peralta, Room 428, Santa Fe, NM 87501  
Main Phone: 505-827-4601; Main Fax 505-827-4734; Toll Free: 1-855-427-5674  
[www.osi.state.nm.us](http://www.osi.state.nm.us)

**SUPERINTENDENT OF INSURANCE**  
John G. Franchini - 505-827-4299



**ACTING DEPUTY SUPERINTENDENT**  
Alan Seeley - 505-827-4307

---

**Bulletin 2015-016**  
**April 1, 2015**

---

2015 APR 1 1 PM 3 31  
FILED  
SUPERINTENDENT  
OF INSURANCE  
NM OFFICE OF

**TO: ALL HEALTH INSURERS LICENSED TO TRANSACT BUSINESS IN THE STATE OF NEW MEXICO**

**RE: REQUIREMENT FOR APPROVAL OF ACCIDENT, VISION, DENTAL, MEDICAL, SURGICAL, HOSPITAL EXPENSE, LONG-TERM CARE, MEDICARE SUPPLEMENT, MANAGED HEALTH CARE, AND HEALTH INSURANCE ADVERTISEMENTS IN THE STATE OF NEW MEXICO**

**THE FOLLOWING BULLETIN** is issued pursuant to NMSA 1978, §§ 59A-1-1 et seq., 59A-2-1 et seq., 59A-18-14, 59A-23A-4, 59A-23A-11, 59A-24A-12, 59A-48-15, 59A-48-16, 59A-48-17; §§ 13.1.2.1 through 13.1.2.10, 13.10.4, 13.10.8, 13.10.13, 13.10.15 and 13.10.23 NMAC.

The purpose of this bulletin is to provide information regarding the requirement for all accident and health insurers to submit, prior to use, all advertisement material for review and approval to the Life and Health Rate & Form Filing Bureau (the Bureau) of the Office of Superintendent of Insurance (“OSI”). Every accident and health insurer and related agents, brokers, producers or solicitors must be familiar with, and must comply with, every provision of the New Mexico Statutes Annotated and the New Mexico Administrative Code which requires the Bureau’s prior approval of advertisements.

The Bureau will review all advertisement material to assure the clear and truthful disclosure of the benefits, limitations and exclusions of policies sold as accident and health insurance pursuant to all subsections of § 13.10.4.1 through 13.10.4.23 NMAC. This rule “establishes guidelines and permissible and impermissible standards of conduct in the advertising of accident and health insurance in a manner which prevents unfair, deceptive and misleading advertising and is

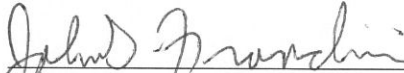
conducive to accurate presentation and description to the insurance-buying public through the advertising media and material used by insurance agents and companies.” §13.10.4.6 NMAC.

This rule applies to any accident and health insurance advertisement which the insurer knows or reasonably should know is intended for presentation, distribution or dissemination in New Mexico when the presentation, distribution or dissemination is made either directly or indirectly by or on behalf of an insurer, agent, broker, producer or solicitor, as those terms are defined in the Insurance Code, Section 59A-1-1 NMSA 1978 et seq.” §13.10.4.2 NMAC.

Please be advised that pursuant to NMSA 1978, § 59A-1-18 utilization of non-approved advertisement material or violation of the Insurance Code may be subject to a penalty up five thousand dollars (\$5,000) for each violation, except that if the violation is to be found willful and intentional, the penalty may be up to ten thousand dollars (\$10,000) for each violation.

If you have additional questions regarding this Bulletin, please contact the Bureau at 1-505-827-4561.

**DONE AND ORDERED** this 1st day of April 2015.

  
\_\_\_\_\_  
**John G. Franchini**  
**Superintendent of Insurance**