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BULLETIN NO. 2016-01

TO: EVERY INSURER, NONPROFIT HEALTH CARE PLAN, HEALTH
MAINTENANCE ORGANIZATION

FROM: JOHN G. FRANCHINI, SUPERINTENDENT OF INSURANCE

DATE: JANUARY 15, 2016

RE: CONSUMER NOTIFICATION: AFFORDABLE CARE ACT DATA
MATCHING

This Bulletin is issued pursuant to NMSA 1978, 59A-2-8 of the New Mexico Insurance Code, 13.1.2. *et seq.* NMAC. This bulletin outlines a new requirement for health insurance carriers offering coverage on the Federally Facilitated Marketplace.

When consumers apply for coverage through the Federally Facilitated Marketplace (FFM), www.healthcare.gov, the Marketplace verifies the personally identifying information provided by the consumer on his or her application. While most consumers' information is immediately verified by the Marketplace, there are some cases where the applicant's provided data does not immediately match with existing records or the information is insufficient to match with trusted data sources. These situations are referred to as "data matching" issues or inconsistencies.

Data matching issues frequently arise when the FFM cannot verify citizenship, immigration status, projected annual income amounts, lack of affordable employer-sponsored minimum

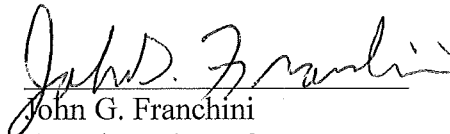
essential coverage or non-employer-sponsored minimum essential coverage, and American Indian/Alaska Native status. Although qualified health plan eligible consumers with data matching issues are able to initially enroll in coverage through the Marketplace, they must resolve their data matching issues by providing additional information to the Marketplace in order to permit the Marketplace to make a final eligibility determination.

It is critical that consumers submit the requested information as soon as possible. If they do not, they may lose eligibility for Marketplace coverage, and consumers with income data matching issues may experience a modification of their premium tax credits and cost-sharing reductions. In most cases where a data matching issue has occurred, the Marketplace will send consumers an eligibility notice requesting additional information. If a consumer does not send the information that is needed, they will receive a 60-day warning notice and a 30-day warning notice before the deadline to resolve the issue (90-day notice total).

The Office of the Superintendent of Insurance has recently observed several issues with the Marketplace providing sufficient notice of data matching issues to consumers. Accordingly, we are requiring that any qualified health plan issuer offering coverage on the Marketplace with knowledge of an enrollee data matching issue also make an attempt to notify the consumer of unresolved eligibility determination issues. This notification shall be sent via written or electronic mail, and must include the contact information for the Marketplace and the correct deadline by which data must be submitted to maintain their current tax credit and cost-sharing reduction levels. If the enrollee has designated an authorized representative, such as a relative or agent or broker, notification shall be sent to these parties as well.

ISSUED at Santa Fe, New Mexico on January 15, 2016.

OFFICE OF NEW MEXICO SUPERINTENDENT OF INSURANCE


John G. Franchini
Superintendent of Insurance