



OFFICE OF  
SUPERINTENDENT  
OF INSURANCE

16 DEC 29 PM 4 32

FILED

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

NEW MEXICO | OFFICE OF  
SUPERINTENDENT  
OF INSURANCE

DEPUTY SUPERINTENDENT  
Robert Doucette 505-827-5832

---

**Bulletin 2016-019**  
**August 22, 2016**  
**September 15, 2016 (Update)**  
**December 29, 2016 (Update)**

---

**TO: ALL INSURANCE CARRIERS THAT OFFER OR ADMINISTER LIFE OR HEALTH RELATED INSURANCE PLANS**

**RE: REQUIREMENT TO UPDATE ALL NON-COMPLIANT FORMS AND MATRIX FILINGS**

[This Bulletin was updated on December 29, 2016 to extend the date for compliance to December 31, 2017 and to provide some additional clarity.]

**THE FOLLOWING** Bulletin is issued pursuant to NMSA 1978 Sections 59A-18-12, 59A-18-13.1, 59A-18-14, 59A-23B-6, and 59A-23C-5.1 and Sections 13.1.2.1 to 13.1.2.10 and 13.10.23.11 NMAC.

The purpose of this Bulletin is to announce the requirement that all Life Insurance and Health Insurance forms delivered or issued for delivery in New Mexico be brought into compliance with the Insurance Code, found at NMSA 1978 Section 59A-1-1 *et seq.*, and the implementing regulations codified at NMAC Title 13 **no later than January 1, 2018**.

Policies or certificates that are renewed or issued between January 1, 2017 and December 31, 2017 shall not have a renewal period of greater than 12 months, and any policies or certificates issued after January 1, 2018 must comply with the conditions set forth in this Bulletin. Except as expressly provided in the next paragraph of this Bulletin, no coverage provided under group or individual policies, certificates, or other forms issued on a matrix or alternate insert page basis shall be permitted after **December 31, 2017**.

In-force group policies, certificates, or other forms issued in matrix format may continue on a grandfathered basis. If the group policy, certificate, affiliated forms, or rates are amended or altered, this grandfathering provision no longer applies, and all compliance requirements of

Main Phone: 505-827-4601  
Main Fax: 505-827-4734  
Toll Free: 1-855-4-ASK-OSI

Mailing Address:  
P.O. Box 1689  
Santa Fe, NM 87504-1689

Physical Address:  
1120 Paseo de Peralta  
Santa Fe, NM 87501

Website: [WWW.OSI.STATE.NM.US](http://WWW.OSI.STATE.NM.US)

this Bulletin must be met. Subject to the foregoing limited exceptions, all business shall be compliant no later than **January 1, 2019**.

All updated forms shall be submitted via SERFF (System for Electronic Rate and Form Filing) for review and approval by the Superintendent and will not be considered to be compliant until they are approved and notice of such approval is provided to the carrier with a final disposition in SERFF. Forms that have been revised but not approved, that have been revised “administratively,” or that have otherwise been modified outside of SERFF are not approved and are therefore non-compliant. Matrix policies or certificates that have been previously approved must be replaced by non-matrix filings in order to comply with this Bulletin.

This Bulletin applies both to forms that were approved prior to OSI’s use of the SERFF system and to forms that were submitted and processed using SERFF but that are now non-compliant.

Certificates delivered or issued for delivery in New Mexico must be approved by OSI, even if the policy has been approved by another state. Any group policies that have been filed and approved outside of New Mexico and that pertain to such certificates need not be submitted for approval by OSI.

Due to the required waiting period between submission of filings and the issuance of approved form filings, and the time necessary for OSI to review and approve filings, the applicant should allow sufficient time when submitting materials for review. Any exemption requests will be denied.

Any person issuing policies, certificates, or soliciting business in any manner based on non-compliant form filings is acting in violation of the Insurance Code. Violations of the Insurance Code are subject to regulatory enforcement and may result in penalties and fines.

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

If you have questions regarding this Bulletin, please contact the Life and Health Bureau, Office of Superintendent of Insurance, at 1-505-827-4601.

DONE and ORDERED this 29<sup>th</sup> day of December 2016.

  
\_\_\_\_\_  
**JOHN G. FRANCHINI**  
Superintendent of Insurance

Main Phone: 505-827-4601  
Main Fax: 505-827-4734  
Toll Free: 1-855-4-ASK-OSI

Mailing Address:  
P.O. Box 1689  
Santa Fe, NM 87504-1689

Physical Address:  
1120 Paseo de Peralta  
Santa Fe, NM 87501

Website: [WWW.OSI.STATE.NM.US](http://WWW.OSI.STATE.NM.US)