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
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 29th day of December 2016.

[Signature]
JOHN G. FRANCHINI
Superintendent of Insurance