STATE OF NEW MEXICO
OFFICE OF SUPERINTENDENT OF INSURANCE

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BULLETIN 2019-003
April 3, 2019

TO: EVERY ENTITY THAT PROVIDES INDIVIDUAL OR GROUP MAJOR MEDICAL HEALTH INSURANCE TO NEW MEXICO RESIDENTS.

RE: TERMINATION OF ALL MAJOR MEDICAL PLANS THAT ARE NON-COMPLIANT WITH AFFORDABLE CARE ACT ("ACA") REQUIREMENTS.

THE FOLLOWING BULLETIN is issued pursuant to NMSA 1978, §§ 59A-2-8, 59A-2-10 and 59A-23E-1 et seq., and 13.1.2.1 to 13.1.2.10 NMAC.

On May 20, 2014, the Superintendent issued a press release announcing that “non-ACA compliant individual and small group insurance plans will NOT be eligible for renewal beyond December 31, 2014.” That announcement further instructed that “[h]ealth plan cancellations will result in insured New Mexicans receiving a ‘special enrollment period. (SEP).’ Even when open enrollment in New Mexico Health Insurance Exchange (NMHIX) is closing, the SEP will allow those insureds to enroll either via the NMHIX or with commercial insurers offering ACA compliant plans in New Mexico.” (See Appendix A.)

Despite that announcement, certain insurers continue to offer non-ACA compliant major medical plans to New Mexico residents. This bulletin re-affirms that non-ACA compliant plans may not be renewed, and that any person covered under any such policy or plan shall be transitioned to ACA compliant plans as of their 2019 renewal date. All such policyholders must be transitioned by January 1, 2020, which will provide policyholders with an opportunity to enroll during ACA open enrollment. If a plan’s renewal date is before January 1, 2020, then the subscribers’ loss of coverage will qualify the subscribers for a special enrollment period for an ACA compliant plan. (See 45 C.F.R § 155.420.)
Current individual and small group policyholders must be transitioned in compliance with the notice requirements, conditions and timelines set forth in NMSA 1978, § 59A-23E-1 et seq. The required notice from carriers shall include internet and telephone contact information for the New Mexico Health Exchange at bewellnm.com and consumer assistance at 1-833-862-3935.

Questions regarding this Bulletin may be directed to the Life and Health Product Filing Bureau at 505-827-4601.

DONE AND ORDERED this 3rd day of April 2019.

[Signature]

JOHN G. FRANCHINI
Superintendent of Insurance
PRESS RELEASE

SUPERINTENDENT OF INSURANCE FRANCHINI
ANNOUNCES CHANGES FOR ALL NON-COMPLIANT
ACA HEALTH POLICIES

SANTA FE, NEW MEXICO May 20, 2014 — John G. Franchini, New Mexico
Superintendent of Insurance

At the initiation of the Affordable Care Act ("ACA") certain individual and small group
health policies which did not conform to all the requirements of the ACA were allowed to
continue and to be renewed for a period of time. The New Mexico Superintendent of
Insurance has determined that it is in the public interest that non-ACA compliant individual
and small group insurance plans will NOT be eligible for renewal beyond December 31,
2014. All insured New Mexicans whose plans end after that date must transition into ACA
compliant plans.

Health plan cancellations will result in insured New Mexicans receiving a "special enrollment
period. (SEP). Even when open enrollment in New Mexico Health Insurance Exchange
(NMHIX) is closing, the SEP will allow those insureds to enroll either via the NMHIX or
with commercial insurers offering ACA compliant plans in New Mexico.

The Superintendent of Insurance stated; “The decision to terminate the non-ACA complaint
health plans is vital to all New Mexicans to ensure that any health plan they purchase is fully
ACA compliant and that they receive the full benefits of the Affordable Care Act.”

The Office of Superintendent of Insurance regulates the insurance industry in New Mexico
and consumers are free to contact our offices at 505-827-4601 or www.OSI.state.nm.us and
link to the “Ask the Superintendent” section if they have any questions.