

STATE OF NEW MEXICO
OFFICE OF SUPERINTENDENT OF INSURANCE

DEPUTY SUPERINTENDENT

Robert E. Doucette, Jr.



DEPUTY SUPERINTENDENT

Bryan E. Brock

SUPERINTENDENT OF INSURANCE

John G. Franchini

SENATE BILL 337, THE SURPRISE BILLING PROTECTION ACT
REQUEST FOR INFORMATION – BENCHMARK DATA SERVICES

Summary: This request for information solicits comments on implementation of Senate Bill 337, the Surprise Billing Protection Act (“the Act”). The Act may apply when a covered person receives an emergency health care service at a nonparticipating facility or receives non-emergent care from a nonparticipating provider at a participating facility. Under these circumstances, the Act mandates that consumers are responsible only for the amount they would pay if they had received the services from a participating facility or provider. The Act also establishes a reimbursement mechanism for the balance due to a provider from a carrier for the services rendered.

The Act sets a reimbursement rate for surprise medical bills where no contract exists between the provider of services and the covered person’s insurer. This reimbursement rate is defined as “the sixtieth percentile of the allowed commercial reimbursement rate for the particular health care service performed by a provider in the same or similar specialty in the same geographic area, as reported in a benchmarking database maintained by a nonprofit organization specified by the [S]uperintendent [of Insurance] after consultation with health care stakeholders; provided that no surprise bill reimbursement rate shall be paid at less than 150% of the Medicare reimbursement rate for the applicable health care service provided.” The Act requires that the nonprofit organization be conflict-free and unaffiliated with any stakeholder in the health care sector.

The Office of the Superintendent of Insurance (“OSI”) seeks a conflict-free data benchmarking organization that is unaffiliated with any stakeholder in the health care sector to provide New Mexico-specific data for its determination of the “surprise billing reimbursement rate.”

Solicitation of Information: OSI seeks responses from data benchmarking firms that meet the criteria specified in the Surprise Billing Protection Act. Specifically, OSI seeks the following information:

1. Name of the data benchmarking firm and the name of the primary contact.
2. Proof of non-profit status.
3. Affidavit specifying lack of affiliation with any stakeholder in the health care sector.

Main Office: 1120 Paseo de Peralta, Room 428, Santa Fe, NM 87501
Satellite Office: 6200 Uptown Blvd NE, Suite 100, Albuquerque, NM 87110
Main Phone: (505) 827-4601 | Satellite Phone: (505) 322-2186 | Toll Free: (855) 4 - ASK - OSI
www.osi.state.nm.us

4. Inclusion of New Mexico specific-data on allowed commercial insurance market reimbursement amounts for health care services for plan year 2017 in the database.
5. Cost to OSI for access to 2017 plan year data on the 60th percentile of allowed reimbursement amounts for health care services rendered in New Mexico.
6. Cost to health insurance companies to submit data to the benchmarking firm for use in determining New Mexico's "surprise billing reimbursement rate."
7. Identification of other states utilizing the services of the data benchmarking firm and contact information for verification. Please include the context in which the state uses the firm's data, e.g., worker's compensation, surprise billing, Medicaid.
8. If any data on allowed amounts is imputed from billed charges, the firm's methodology for imputing allowed claims amounts.
9. Whether the data benchmarking firm requires the state to sign a contract before sharing access to its data.
10. Any prohibitions against OSI sharing specified benchmark data with providers and insurance carriers to reach resolution regarding surprise medical bills.
10. Any other information deemed by the data benchmarking firm to be relevant to this request.

Response requirements: OSI seeks responses to this RFI by June 15, 2019. Questions about the RFI and responses to the RFI shall be via email to:

Paige Duhamel
Health Care Policy Manager
Paige.duhamel@state.nm.us

Issued: **XX**