

STATE OF NEW MEXICO
OFFICE OF SUPERINTENDENT OF INSURANCE

SUPERINTENDENT

Russell Toal



DEPUTY SUPERINTENDENT

Robert E. Doucette, Jr.

March 13, 2020

On March 11, 2020, the Honorable Michelle Lujan Grisham, Governor of New Mexico, issued Executive Order 2020-004 to address the public health emergency caused by positive cases of COVID-19 in New Mexico. In response to the Executive Order, in my capacity as New Mexico Superintendent of Insurance, I am taking all necessary and appropriate steps to maximize access to insurance coverage for New Mexicans suffering from COVID-19, pneumonia, or influenza, while simultaneously ensuring that medical costs do not create a barrier to testing and treatment.

I have adopted an emergency rule establishing cost sharing prohibitions for testing for and treatment of COVID-19 and related illnesses. I also have issued Orders to health insurers requiring verification of compliance with the cost sharing prohibition and requirements related to insurer notification and billing practices. A copy of the emergency rule and a copy of the Orders are attached to this letter.

In an emergency time like this, we must all work in partnership. In that spirit, I request that each Third Party Administrator encourage, assist, and respond to our and the state's efforts to meet obligations during this public health emergency. As an administrator, you may have access to or be responsible for providing much of the information that the insurer must submit to our office to comply with each Order. Additionally, if you administer billing for a health insurer or an employer, you may play a critical role in ensuring that there is compliance with the cost sharing and surprise billing prohibitions in 13.10.13.12 NMAC (the emergency rule). Please review the Orders and the emergency rule thoroughly to ensure the companies you administer are both aware of the directives and take action to be compliant.

Thank you for your cooperation. We appreciate your recognition of the emergency we are in, and of the need to proactively take action to minimize the impact of the virus in New Mexico.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Russell Toal', written over a horizontal line.

Russell Toal
Superintendent of Insurance

encl: Notice and Order
Notice of Inquiry and Order
Order Adopting an Emergency Amendment to 13.10.13 NMAC Section 12