



STATE OF NEW MEXICO
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New Mexico Superintendent of Insurance issues guidance prohibiting surprise billing for care received out-of-network as a result of COVID-19

SANTA FE – The New Mexico Office of Superintendent of Insurance (OSI) on Monday announced new requirements for all major health insurance carriers that are subject to New Mexico jurisdiction to cover expenses for out-of-network care received as a result of COVID-19. In recognition of capacity restraints on providers, the new guidance also orders insurance carriers to cover out-of-network bills where a consumer can't receive in-network care for other conditions due to the COVID-19 crisis.

“In this health emergency, cost and network availability should not be a deciding factor on whether a New Mexico patient receives appropriate health care services,” said Russell Toal, Superintendent of Insurance.

The new guidance directs carriers to grant in-network providers the flexibility to refer patients to appropriate care, which may be out-of-network, as pressures on the healthcare system grow during the COVID-19 crisis. As the COVID-19 emergency continues, and triage systems are put in place, hospitals may route those seeking care to other facilities, including out-of-network facilities or providers; insurance carriers have the responsibility to cover these services.

Effective immediately, carriers shall reimburse out-of-network providers, including facilities, using the surprise billing rate. A health care provider that knowingly surprise bills a patient for out-of-network care may be subject to a fine pursuant to Section 59A-16-21.3, NMSA 1978.

For more information to these rules refer to [Surprise Medical Billing Bulletin 2020-009](#).

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