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New Mexico insurance office releases directives related to COVID-19

SANTA FE, NM – New Mexico Superintendent of Insurance Russell Toal issued a series of directives aimed at addressing emerging concerns during the recent spike in COVID-19 cases. The Bulletin and Notices relate to fair reimbursement of health care providers, medical malpractice insurance, and a moratorium on filing new COVID-19 related commercial insurance products. These actions were taken in response to [Executive Order 2020-083](#) issued by Governor Michelle Lujan Grisham on Friday, December 4, 2020.

“The Office of Superintendent of Insurance (OSI) is doing everything in our power to ease the strain on the state’s health care delivery system and provide relief to health providers and businesses struggling during this unprecedented spike in COVID-19 cases,” said **Superintendent Toal**. “These directives are part of a larger effort our office has taken to ensure New Mexicans have access to health insurance, COVID-19 testing and treatment, and health care during this difficult year.”

The first [Notice](#) urges health insurance companies to promptly and accurately reimburse health care providers, even if they are not practicing in their areas of specialization or in their normal places of service due to the strain COVID-19 has placed on the health care delivery system. The bulletin also reminds companies of the existing rules, which prohibit cost sharing for COVID-19 testing, diagnosis and treatment; direct health insurance carriers to allow members to access out-of-network providers utilizing in-network benefits for COVID-19 testing, diagnosis and treatment; and direct health insurance carriers to reimburse out-of-network providers using the rates specified in the Surprise Billing Protection Act, which was signed into law by Governor Michelle Lujan Grisham in 2019.

The second [Notice](#) clarifies medical malpractice protections for health care providers caring for COVID-19 patients. Given the capacity issues COVID-19 is causing in the state’s health care system, the Superintendent expressed his determination to assure providers that they can lend a helping hand in treating COVID-19 patients. The Notice states that medical malpractice insurers must fully cover providers when serving potential or actual COVID-19 patients. The Notice also prohibits insurers from denying coverage to a qualified health care provider who performs medical services in a different specialty area as a result of COVID-19 pressures.

Finally, [Bulletin 2020-023](#) places a moratorium on new filings from commercial business insurers that include provisions excluding coverage for COVID-19 until after the 2021 Legislative Session. This will give the Superintendent the ability to fully review such proposed provisions and take into account any substantive changes that may be made during the upcoming session. Any existing products previously approved for sale in 2021 may continue to be sold.

“Taken together, our office hopes to improve the ability of our health care system to save as many lives as possible,” said **Superintendent Toal**.

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