

STATE OF NEW MEXICO

OFFICE OF SUPERINTENDENT OF INSURANCE

SUPERINTENDENT OF INSURANCE
Russell Toal



DEPUTY SUPERINTENDENT
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BULLETIN 2021-004

March 29, 2021

TO: ALL INSURERS LICENSED TO SELL HEALTH INSURANCE IN NEW MEXICO

RE: COVID-19

Numerous consumers with major medical health insurance have reported to the New Mexico Office of Superintendent of Insurance (“OSI”) that they were charged for COVID-19 testing, or for administration of the COVID-19 vaccine. This bulletin reiterates the OSI’s position that such charges are not allowed; COVID-19 testing, treatment and vaccination are to be provided to every insured consumer without charge if a medical professional has decided that a test is appropriate. Insurers are to defer to the medical judgment of the provider.

The US Department of Health and Human Services (DHHS) recently issued updated guidance confirming the intent of Section 6001 of the Families First Coronavirus Response Act (FFCRA) as amended by section 3201 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). See (<https://www.cms.gov/files/document/faqs-part-44.pdf>). The updated guidance confirms that cost should not be a barrier to anyone accessing COVID-19 testing, treatment and vaccinations. The OSI expects all health insurers licensed in New Mexico (“insurers”) to assure that your participating providers understand that no individual is to be charged for a COVID-19 test, whether it is the PCR test, the antigen (rapid) test, an at-home test or any new FDA-approved test that a provider has determined in medically appropriate. A reminder too that individuals are not be charged for the treatment of COVID-19, nor for the administration of the COVID-19 vaccine. All cost-sharing obligations, such as copayment, coinsurance and deductible amounts, are to be waived.

Please do all you can to educate all network providers that patients, including uninsured persons, must not be charged for the services described herein. We also urge you to take prompt action with a provider that violates the charge prohibitions. Should you learn of non-network providers charging these services please notify our office.

OSI directs all insurers to provide information to their network providers on how to seek reimbursement for uninsured patients through the Health Resources & Services Administration (“HRSA”) for COVID-19 testing, treatment and vaccine administration. This information is available on the HRSA website: <https://www.hrsa.gov/coviduninsuredclaim>. Federal reimbursement for COVID-19 services provided to the uninsured will be at the Medicare fee schedule unless otherwise noted by HRSA.

We are beginning to see a light at the end of this long, difficult time and we are hopeful that things will be much better by summer. The insurer community has performed in a salutary way, adjusting quickly to the pandemic and exhibiting outstanding cooperation with our office. We urge all of our partners to remain vigilant in preventing the transmission of COVID-19, and to assure that all of those who seek services in New Mexico related to COVID-19 are able to get them without concern about financial burden.

The OSI understands that some persons who have received the COVID-19 vaccine are anxious to know whether the vaccine is working, and that providers may offer such individuals an antibodies test to verify immunity. The OSI is not aware of any guidance or clinical standard asserting that such testing is recommended. That being so, our directives related to coverage for COVID-19 testing do not apply to such testing.

We value our ongoing partnership in this effort. Thank you.

ISSUED this 29th day of March, 2021.



RUSSELL TOAL
Superintendent of Insurance