

STATE OF NEW MEXICO
OFFICE OF SUPERINTENDENT OF INSURANCE

SUPERINTENDENT

Russell Toal



DEPUTY SUPERINTENDENT

Jennifer A. Catechis

NOTICE

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

Thank you for submitting the communications that you plan to issue to your provider networks about the behavioral health (BH) services cost-sharing prohibition that goes into effect on January 1, 2022. The Office of the Superintendent of Insurance (OSI) is receiving inquiries from BH providers about the implementation of the cost-sharing prohibition. They are concerned that they will lose money and will not know which of their patients will be responsible for cost-sharing, which won't be, and for which services and prescriptions. In addition, there may be other providers, such as primary care providers, imaging centers and diagnostic laboratories, who are unaware that the BH cost-sharing prohibition applies to them in certain situations. Therefore, OSI wants to be sure that carriers issue a timely communication that contains complete and accurate information.

OSI found that the quality and extent of the information in the communications varied widely. To ensure consistent messaging and avoid confusion as much as possible, the Superintendent directs the carriers to issue communications about the BH cost-sharing prohibition that include the elements described below.

- Bulletin 2021-009 and its attachments. We assume your communication will be posted electronically. Please be sure that the Bulletin is posted along with the notice. A URL link to the Bulletin is not sufficient.
- If the carrier offers HSA-eligible, high deductible health plans or administers self-insured plans, clearly indicate which types of plans (commercial, public employee, retail, etc.) the BH cost-sharing prohibition applies to.
- Emphasize that providers should verify patient eligibility and benefits prior to every appointment.

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- If applicable, include any non-standard instructions a provider must follow to be reimbursed correctly, and any other pertinent changes in processes and procedures the provider must follow.
- Identify and override directions in the provider manual that are inconsistent with OSI guidance.
- Inform the provider that the carrier will reimburse the provider at the full contracted rate.

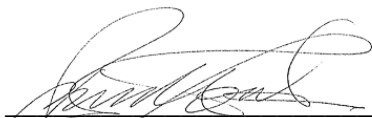
Please submit communications to the OSI Life and Health Division as an informational filing in SERFF. If not contained in the filed document, include a note to filer with the link to where the communication and associated materials can be located on the carrier website. These filings are due by the close of business on Tuesday, December 21, for filing purposes only. Ideally, carriers should make these communications available to providers no later than December 23rd.

The OSI realizes there will be bumps and misunderstandings as the new law is implemented. It is our goal that carriers supply their provider networks with the information needed to minimize interruptions in their cash flow, and to avoid abrasion between providers and patients. Thank you for your attention to this matter.

Questions concerning this notice should be directed to julie.weinberg2@state.nm.us

ISSUED this 15th day of December 2021.

SUPERINTENDENT OF INSURANCE



RUSSELL TOAL