

**STATE OF NEW MEXICO**  
**OFFICE OF SUPERINTENDENT OF INSURANCE**

**SUPERINTENDENT**

Russell Toal



**DEPUTY SUPERINTENDENT**

Jennifer A. Catechis

**NOTICE**

**TO: All INSURED NEW MEXICANS**

**RE: NO COST SHARING FOR BEHAVIORAL HEALTH SERVICES BEGINS  
JANUARY 1, 2022**

The Office of Superintendent of Insurance (OSI) is notifying all insured New Mexicans that cost-sharing for most behavioral health (BH) services and prescription drugs will be eliminated on January 1, 2022. Thanks to provisions of Senate Bill 317, which was enacted by the legislature earlier this year, New Mexicans with major medical health insurance coverage will not owe payments for deductibles, coinsurance or copayments for BH services or BH prescription drugs received on or after January 1, 2022.

SB317's cost-sharing exemptions apply to all covered inpatient and outpatient BH services, including BH services provided in a primary care setting, with the exception of BH-related emergency room and urgent care services provided by a facility that is *not* a behavioral health facility. The ban on cost-sharing also applies to BH-related ancillary services, such as clinical laboratory and imaging services, and a broad set of prescription drugs prescribed for BH conditions. Specific information about BH services and prescription drugs that are not subject to cost sharing can be found in Bulletin 2021-009 "Senate Bill 317: Applying Cost-Sharing Waivers To Behavioral Health Services" which is available on the OSI website at: <https://www.osi.state.nm.us/index.php/news/senate-bill-317-applying-cost-sharing-waivers-to-behavioral-health-services/>

Health insurance carriers are reminded that SB317's BH cost sharing prohibitions apply to BH services covered by any health care plan that is "delivered, issued for delivery or renewed in New Mexico." This includes health insurance coverage issued to state and public employees. Carriers are urged to issue clear guidance to their providers about services not subject to cost-sharing, including information as to how non-BH providers are to identify these services on a claim.

Main Office: 1120 Paseo de Peralta, Room 428, Santa Fe, NM 87501

Satellite Office: 6200 Uptown Blvd NE, Suite 400, Albuquerque, NM 87110

Main Phone: (505) 827-4601 | Satellite Phone: (505) 322-2186 | Toll Free: (855) 4 - ASK - OSI

[www.osi.state.nm.us](http://www.osi.state.nm.us)

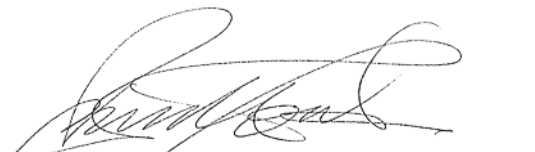
Providers are *not* to collect payments from insured patients who receive covered BH services on or after January 1, 2022. Primary care providers should refer to OSI Bulletin 2021-009 for guidance on how to identify a BH service on a claim and are encouraged to consult with the patient's insurance company if they are unclear on how to correctly submit the claim in order to receive full payment. Insured patients who believe they are being incorrectly required to pay for a covered BH service are advised to first contact their health insurance company to correct the situation. If the insurance company does not resolve the issue, patients and providers can submit a complaint to the Managed Health Care Bureau at <https://www.osi.state.nm.us/index.php/managed-healthcare-complaint/> or call 855-427-5674.

SB317's prohibition on cost-sharing for BH services is intended to reduce financial barriers to accessing care for BH conditions, thereby encouraging people to seek timely treatment for a BH condition they are experiencing. OSI strongly supports the goals of this new law and will work diligently to assure the law is being applied correctly. We urge New Mexico's health insurers to accurately implement this new law in their claims processes and procedures, to assure that these processes and procedures are in accordance with OSI's guidance issued in Bulletin 2021-009 and to clearly communicate these processes and other relevant information to their providers and members.

Thank you for your cooperation in implementing SB317's BH cost sharing prohibitions and reducing financial barriers for insured New Mexicans who need BH services.

**ISSUED this 22 day of November 2021.**

**SUPERINTENDENT OF INSURANCE**



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RUSSELL TOAL