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NEW MEXICO'S SURPRISE BILLING PROTECTION ACT

The new federal surprise billing law, the No Surprises Act, went into effect on January 1, but New Mexico Superintendent of Insurance, Russell Toal, wants people to know that New Mexico has had its own surprise billing law since 2020.

“For two years, New Mexico’s Surprise Billing Protection Act has been shielding many New Mexicans from the serious financial impact of surprise medical bills,” said Superintendent Toal. “Our law protects people from these costly bills just like the federal law does,” he said. The Office of Superintendent of Insurance (OSI) and the US Department of Health and Human Services (HHS) have agreed that OSI will continue its enforcement of New Mexico’s surprise billing law, while HHS will enforce the federal act for air ambulances, federally regulated and self-funded health plans, and out-of-state providers.

A surprise bill is when a person, through no fault of their own, unknowingly or unavoidably receives health care services from providers outside their insurance company’s network and then is billed directly for that care. These bills are extremely expensive. New Mexico’s surprise billing law, and the federal law, protect people by limiting the financial obligation for a surprise bill to the deductible, coinsurance or copayment amounts they would normally owe for the same services received in network.

OSI rules require health insurance companies to notify enrollees when the company has processed a claim subject to the surprise billing law, and to explain the enrollee’s rights under the law. Please note that out-of-network providers cannot bill for the balance of the charges and must refund any overpayments the patient may have already made.

“We are serious about enforcing this law and are here to help if someone gets a surprise bill,” said Superintendent Toal. Individuals who have health insurance and believe they have received a surprise billing should first contact their insurance company. If the issue is not resolved, individuals can submit a complaint to the OSI’s Managed Health Care Bureau at <https://www.osi.state.nm.us/index.php/managed-healthcare-complaint/> or call 855-427-5674.

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