

STATE OF NEW MEXICO OFFICE OF SUPERINTENDENT OF INSURANCE



SUPERINTENDENT OF INSURANCE

Alice T. Kane

DEPUTY SUPERINTENDENT

Timothy Vigil

BULLETIN 2025-015

November 17, 2025

**TO: ALL INSURERS OFFERING MAJOR MEDICAL, DENTAL OR VISION
COVERAGE IN NEW MEXICO**

**RE: CLARIFICATION ON COORDINATION OF BENEFITS (COB) PROVISIONS
FOR MINOR CHILDREN**

This bulletin is issued in accordance with Sections 59-2-8, 59A-2-10, 59A-16-11(B) and 59A-46-31 NMSA 1978, and 13.1.2 and 13.10.13.11(B)(2) NMAC.

The purpose of this bulletin is to clarify the position of the Office of Superintendent of Insurance (OSI) regarding allowable coordination of benefits provisions for a dependent child covered under more than one health insurance plan. OSI will accept coordination of benefits language that is consistent with Section 6(D)(2) of the NAIC's Coordination of Benefits Model Regulation (No. MO-120) dated October 2013, see below:

Section 6. Rules for Coordination of Benefits

...

D. Order of Benefits Determination

...

(2) Dependent Child Covered Under More Than One Plan

Unless there is a court decree stating otherwise, plans covering a dependent child shall determine the order of benefits as follows:

- (a) For a dependent child whose parents are married or are living together, whether or not they have ever been married:

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Santa Fe, New Mexico 87504

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- (i) The plan of the parent whose birthday falls earlier in the calendar year is the primary plan; or
 - (ii) If both parents have the same birthday, the plan that has covered the parent longest is the primary plan.
- (b) For a dependent child whose parents are divorced or separated or are not living together, whether or not they have ever been married:
 - (i) If a court decree states that one of the parents is responsible for the dependent child's health care expenses or health care coverage and the plan of that parent has actual knowledge of those terms, that plan is primary. If the parent with responsibility has no health care coverage for the dependent child's health care expenses, but that parent's spouse does, that parent's spouse's plan is the primary plan. This item shall not apply with respect to any plan year during which benefits are paid or provided before the entity has actual knowledge of the court decree provision;
 - (ii) If a court decree states that both parents are responsible for the dependent child's health care expenses or health care coverage, the provisions of Subparagraph (a) of this paragraph shall determine the order of benefits;
 - (iii) If a court decree states that the parents have joint custody without specifying that one parent has responsibility for the health care expenses or health care coverage of the dependent child, the provisions of Subparagraph (a) of this paragraph shall determine the order of benefits; or If there is no court decree allocating responsibility for the child's health care expenses or health care coverage, the order of benefits for the child are as follows:
 - (I) The plan covering the custodial parent;
 - (II) The plan covering the custodial parent's spouse;
 - (III) The plan covering the non-custodial parent; and then
 - (IV) The plan covering the non-custodial parent's spouse.

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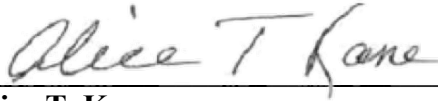
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- (c) The plan covering the custodial parent; The plan covering the custodial parent's spouse; The plan covering the non-custodial parent; and then The plan covering the non-custodial parent's spouse. For a dependent child covered under more than one plan of individuals who are not the parents of the child, the order of benefits shall be determined, as applicable, under Subparagraph (a) or (b) of this paragraph as if those individuals were parents of the child.

Questions concerning this bulletin should be directed to the Life and Health Bureau at life.health@osi.nm.gov.

Issued this 17th day of November, 2025.



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Superintendent of Insurance

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