

STATE OF NEW MEXICO
OFFICE OF SUPERINTENDENT OF INSURANCE



SUPERINTENDENT OF INSURANCE

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DEPUTY SUPERINTENDENT

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BULLETIN 2026-008

April 20, 2026

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

RE: APPLYING COST-SHARING WAIVERS TO BEHAVIORAL HEALTH SERVICES: EFFECTIVE January 1, 2027

This bulletin will take effect on January 1, 2027.

Until that date, carriers must continue to follow Bulletin 2021-009.

Bulletin 2021-009 will remain in effect through 12:00 a.m. December 31, 2026, and then will be considered repealed.

Senate Bill 120 titled “No Behavioral Health Cost Sharing,” was signed into law by Governor Michelle Lujan Grisham on April 8, 2025, effective January 1, 2026. Senate Bill 120 removes the sunset date of January 1, 2027, for behavioral health cost sharing elimination that was passed in SB317 in the 2021 legislative session and signed by the Governor on April 8, 2021.

SB120 builds on SB317 which prohibits cost sharing, including imposition of a deductible, for behavioral health (BH) services covered by any health care plan “delivered, issued for delivery or renewed in New Mexico.” To ensure that all New Mexicans receive equal treatment with respect to health plan coverage for BH services, the law prohibits a health insurance policy, health care plan or certificate of health insurance, or health maintenance organization contract whether individual, group or blanket that is delivered, issued for delivery, or renewed in New Mexico from imposing cost sharing, including copayments, coinsurance, or deductibles, on BH services as

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defined in NMSA 1978, Sections 59A-22-57(B)(1), 59A-23-16(B)(1), 59A-46-57(B)(1), and 59A-47-51(B)(1). The application of the prohibition on cost-sharing for BH services must be standardized across all subject health plans effective immediately.

This bulletin does not apply to catastrophic plans as defined under 42 USCA Section 18022(e) and high-deductible health plans with health savings accounts until a subscriber's deductible has been met, unless otherwise permitted by federal law. Carriers should note that the prohibition on cost sharing applies only when the primary diagnosis on the claim is a behavioral health diagnosis.

Definition of Behavioral Health Services

Behavioral health services are defined as professional and ancillary services for the treatment, habilitation, prevention and identification of mental illnesses, substance abuse disorders and trauma spectrum disorders, including inpatient, detoxification, residential treatment and partial hospitalization, intensive outpatient therapy, outpatient therapy and all medications, including brand-name pharmacy drugs when generics are unavailable as defined in NMSA 1978, Section 59A-22-57.

To ensure consistent application across all subject health plans, the New Mexico Office of Superintendent of Insurance (OSI) issues this bulletin to provide implementation guidance. The following criteria shall be used by carriers to identify BH services that are not subject to cost sharing, organized by service type:

Professional Services

- Professional services rendered by a BH provider.

Services rendered by a primary care provider, for the treatment of a BH condition, and when a BH diagnosis is the primary diagnosis on the claim.

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Outpatient Facility Services

- Outpatient services, including professional services, delivered in a BH facility.
- Outpatient services, including professional services, delivered in a non-BH facility if the attending provider is a BH provider.
- Services, including professional services, delivered in a non-BH facility, by a non-BH provider, when a BH diagnosis is the primary diagnosis on the claim.
- Transcranial magnetic stimulation treatment services and electroconvulsive therapy services, including professional services.

Inpatient Facility Services

- Inpatient services, including professional services, delivered in a BH hospital or in the BH department of a general acute care hospital.
- Inpatient services, including professional services, delivered in a residential treatment center.
- Inpatient services, including professional services, delivered in a general, acute care hospital when the attending or a consulting provider is a BH provider for the treatment of a behavioral health primary diagnosis.
- Detoxification services, including professional services, delivered in a BH hospital, a general acute care hospital, or a residential treatment center.
- Transcranial magnetic stimulation treatment services and electroconvulsive therapy services, including professional services.

Ancillary Services

- Clinical laboratory services, radiology services and other imaging services when the ordering provider is a BH provider.
- Clinical laboratory services, radiology services and other imaging services when the ordering provider is not a BH provider, or when the ordering provider information is not present on the claim, but a BH diagnosis code is the primary diagnosis.

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Prescription Drugs

- A prescription drug covered on the plan's drug formulary or authorized by the plan when the drug is in a USP therapeutic category and class combination as specified on the attached list. While examples of drugs in a class are provided, the lists are not all inclusive and the carrier shall ensure its Pharmacy Benefits Manager is able to identify all drugs included in the listed categories and class combinations.
- A BH provider can prescribe medications from therapeutic categories and classes not included on the attached list, provided that the prescription is directly related to the primary diagnosis. It is up to the carrier to determine whether the drug should be treated as a BH drug for cost-sharing purposes.
- Cost-sharing can be applied to these non-BH drugs if the prescriber is not a BH provider. However, at least monthly, a carrier shall analyze utilization of these drugs to identify members who likely filled these prescriptions for treatment of a BH condition. When confirmed with the prescriber, carriers will reimburse these identified members their cost-sharing expenditures for these drugs and take appropriate steps to remove the cost sharing requirement for the member when prescriptions for the specified drug(s) are filled in the future.

BH Diagnosis Codes

The International Classification of Diseases, Tenth Revision, Clinical Modification (ICD-10-CM) contains a set of diagnosis codes that begin with "F" that includes behavioral health conditions subject to NMSA 1978, Sections 59A-22-57, 59A-23-16, 59A-46-57, and 59A-47-51.

Carriers are directed to use the presence of an ICD-10-CM "F-codes" in the primary diagnosis as needed to identify a BH service, **except** for the following code sets:

- F01.x – F09.9x - Mental disorders due to known physiological conditions
- F70.x – F79.9x - Mild intellectual disabilities
- F80.x – F83.9x - Pervasive and specific developmental disorders
- F85.x – F89.9x - Pervasive and specific developmental disorders

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- F91.x – F98.9x - Behavioral and emotional disorders with onset usually occurring in childhood and adolescence

Additionally, carriers are directed to use the presence of the following 4 ICD-10-CM codes in the primary diagnosis as needed to identify a BH service

- Z13.30 - Encounter for screening examination for mental health and behavioral disorders, unspecified
- Z13.31 - Encounter for screening for depression
- Z13.32 - Encounter for screening for maternal depression
- Z13.39 - Encounter for screening examination for other mental health and behavioral disorders

These directives apply to cost-sharing only. Carriers may continue to apply their plans' drug formulary policies, prior authorization and utilization management policies, and other drug coverage policies to the extent allowed under New Mexico law.

If a member receives BH services subject to this guidance from an out-of-network provider, the plan may impose cost-sharing for those services unless:

1. Reimbursement for the service is governed by the Surprise Billing Act; or
2. The plan specifically authorized the out-of-network provider to deliver the service(s).

If a plan is required to reimburse a member for cost sharing pursuant to this guidance, the plan may recoup the reimbursement amount from the contracted provider that accepted the cost sharing from the member, if authorized under the terms of the provider agreement.

OSI recognizes that carriers and reporting entities may need to make system updates or operational adjustments to comply with the requirements of this bulletin and encourages entities to begin planning for these changes. OSI expects these updates and adjustments to be completed by January 1, 2027.

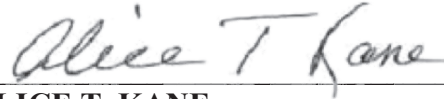
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For more information or questions, please contact monica.snowden@osi.nm.gov

ISSUED this 20th day of April 2026.



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Behavioral Health Prescription Medications Not Subject to Cost-Sharing

U.S. Pharmacopeia (USP) Therapeutic Category	U.S. Pharmacopeia (USP) Class (Carriers must cross-reference to their comparable therapeutic classes)	<u>EXAMPLES OF MEDICATIONS IN THE CLASS</u> (Not intended to be all-inclusive)
Anti-addiction/Substance Abuse Treatment Agents	Alcohol Deterrents/Anti-craving	Acamprosate Calcium, Disulfiram, Naltrexone, Naltrexone Hydrochloride
	Opioid Dependence	Buprenorphine, Buprenorphine/Naloxone Hydrochloride, Lofexidine, Naltrexone
	Opioid Reversal Agents	Naloxone Hydrochloride
	Smoking Cessation Agents	Bupropion Hydrochloride, Nicotine Polacrilex, Varenicline Tartrate
Anticonvulsants	Gamma-aminobutyric Acid (GABA) Augmenting Agents	Gabapentin, Pregabalin
	Sodium Channel Agents	Carbamazepine, Oxcarbazepine
	Anticonvulsants, Other	Divalproex sodium, Lamotrigine, Topiramate, Valproic Acid
Antidepressants	Monoamine Oxidase Inhibitors	Isocarboxazid, Phenelzine Sulfate, Selegiline, Tranylcypromine Sulfate
	SSRIs/SNRIs (Selective Serotonin Reuptake Inhibitors/ Serotonin and Norepinephrine Reuptake Inhibitors)	Citalopram Hydrobromide, Desvenlafaxine, Duloxetine Hydrochloride, Escitalopram Oxalate, Fluoxetine Hydrochloride, Fluvoxamine Maleate, Nefazodone Hydrochloride, Paroxetine Hydrochloride, Sertraline Hydrochloride, Trazodone Hydrochloride, Venlafaxine Hydrochloride
	Tricyclics	Amitriptyline Hydrochloride, Amoxapine, Clomipramine Hydrochloride, Desipramine Hydrochloride, Doxepin Hydrochloride, Imipramine Hydrochloride, Imipramine Pamoate, Nortriptyline Hydrochloride, Protriptyline Hydrochloride Trimipramine Maleate
	Antidepressants, Other	Maprotiline Hydrochloride, Bupropion Hydrobromide, Bupropion Hydrochloride, Mirtazapine,



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		Aripiprazole, Quetiapine Fumarate, Esketamine Hydrochloride, Chlordiazepoxide/ Amitriptyline Hydrochloride, Olanzapine/ Fluoxetine, Perphenazine/ Amitriptyline Hydrochloride
Antiparkinson Agents	Anticholinergics	Benzotropine Mesylate, Diphenhydramine Hydrochloride, Trihexyphenidyl Hydrochloride
	Dopamine Agonists	Pramipexole Dihydrochloride (for augmentation in severe depression)
Antipsychotics	1st Generation/Typical ¹	Chlorpromazine, Fluphenazine, Haloperidol, Loxapine, Perphenazine, Pimozide, Prochlorperazine, Thioridazine, Thiothixene, Trifluoperazine
	2nd Generation/Atypical ²	Aripiprazole, Asenapine, Brexpiprazole, Cariprazine Hydrochloride, Iloperidone, Lurasidone Hydrochloride, Olanzapine, Pimavanserin Tartrate, Quetiapine Fumarate, Paliperidone, Risperidone, Ziprasidone
	Treatment-Resistant	Clozapine
Anxiolytics	SSRIs/SNRIs (Selective Serotonin Reuptake Inhibitors/ Serotonin and Norepinephrine Reuptake Inhibitors)	Duloxetine Hydrochloride, Escitalopram Oxalate, Paroxetine Hydrochloride, Sertraline Hydrochloride, Venlafaxine Hydrochloride
	Benzodiazepines	Alprazolam, Chlordiazepoxide, Clonazepam, Clorazepate Dipotassium, Diazepam, Midazolam, Lorazepam, Oxazepam
	Anxiolytics, Other	Buspirone Hydrochloride, Doxepin Hydrochloride, Hydroxyzine Hydrochloride, Hydroxyzine Pamoate, Meprobamate

¹ Includes long-acting injectables

² Includes long-acting injectables



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Bipolar Agents	Mood Stabilizers	Carbamazepine, Divalproex Sodium, Lamotrigine, Lithium Carbonate, Lithium Citrate
	Bipolar Agents, Other	Aripiprazole, Asenapine, Lurasidone, Olanzapine, Olanzapine Pamoate, Quetiapine Fumarate, Risperidone, Ziprasidone Hydrochloride
Cardiovascular Agents	Alpha-adrenergic Blocking Agents	Prazosin Hydrochloride (for treatment of PTSD)
Central Nervous System Agents	Attention Deficit Hyperactivity Disorder Agents, Amphetamines	Amphetamine, Dextroamphetamine Sulfate, Dextroamphetamine Saccharate/ Amphetamine Aspartate/ Dextroamphetamine Sulfate/ Amphetamine Sulfate, Lisdexamfetamine Dimesylate, Methamphetamine Hydrochloride
	Attention Deficit Hyperactivity Disorder Agents, Non-amphetamines	Atomoxetine Hydrochloride, Clonidine Hydrochloride, Dexmethylphenidate Hydrochloride, Guanfacine Hydrochloride, Methylphenidate Hydrochloride
	Central Nervous System Agents, Other	Valbenazine, Deutetrabenazine
Hormonal Agents, Stimulant/Replacement/ Modifying (Thyroid)	Not applicable – no class assigned by USP	Liothyronine (for augmentation in severe depression)
Sleep Disorder Agents	Sleep Promoting Agents	Eszopiclone, Zolpidem (IR, ER, CR), Suvorexant, Zaleplon, Estazolam, Flurazepam, Quazepam, Temazepam, Triazolam