BEFORE THE NEW MEXICO OFFICE OF SUPERINTENDENT OF INSURANCE

IN THE MATTER OF THE EXCEPTED BENEFITS NOTICE REQUIREMENTS RELATING TO THE COVID-19 PUBLIC HEALTH EMERGENCY

SUPPLEMENTAL ORDER

COMES NOW the Superintendent of the New Mexico Office of Superintendent of Insurance ("Superintendent"), on his own motion, and HEREBY FINDS:

1. The Superintendent recognizes that the COVID-19 pandemic has caused the closure of businesses and the quarantine of persons; and,

2. The Superintendent has received inquiries from some insurers related to their reporting responsibilities under the Amended Notice and Order issued in this docket on March 17, 2020 (the “Amended Order”), especially their responsibilities when they have no covered lives in New Mexico; and,

3. The Superintendent has received inquiries from some insurers related to difficulty obtaining a verification under oath through an affidavit from a duly authorized representative of the insurer because of business closures and quarantine of persons;

IT IS THEREFORE ORDERED:

A. Every insurer who has issued or delivered an individual or group plan to a New Mexico resident that provides excepted benefits coverage as defined in Section 59A-23G-2(B), NMSA 1978, other than those plans or policies specifically exempted in the Amended Order, must provide every New Mexico resident named as an insured, participant, member, or certificate holder under each such policy or plan the Notice required by the Amended Order.

B. Verification of compliance with the requirement of provision of the Notice as outlined in the Amended Order shall be accompanied by a declaration signed by a duly authorized representative of the health care insurer that the information contained in the verification is true and correct to the best of his or her knowledge, subject to penalty of perjury under the laws of the State of New Mexico. Furnishing the information under oath, through an affidavit by a duly authorized representative of the insurer, is no longer required. The insurer shall submit the verification and declaration no later than 6:00 p.m. MST on March 27, 2020.

C. Any insurer asserting that it is not subject to the Amended Order shall provide the basis for its assertion, including confirmation that the insurer has no covered lives in
the state of New Mexico through an individual or group plan that provides excepted benefits coverage as defined in Section 59A-23G-2(B), NMSA 1978, other than those plans or policies specifically exempted in the Amended Order. The assertion shall be accompanied by a declaration signed by a duly authorized representative of the insurer, that the information contained in the assertion is true and correct, to the best of his or her knowledge, subject to penalty of perjury under the laws of the State of New Mexico. The insurer shall submit the assertion and declaration no later than 6:00 p.m. MST on March 27, 2020.

D. Insurers shall continue to submit all submissions electronically to: freya.tschantz2@state.nm.us.

E. Failure to comply with this supplemental order may result in a fine or other penalty including suspension or revocation of the insurer’s Certificate of Authority pursuant to Section 59A-5-26(A)(l) NMSA 1978.

F. This Supplemental Order is effective immediately.

G. Copies of this Supplemental Order shall be served electronically upon all persons listed on the attached Certificate of Service.

H. Staff Counsel shall upload the supplemental order on the OSI Newsletter and ensure the order is sent out as a large volume correspondence to all Insurers licensed in New Mexico on the State Based System.

I. This docket shall remain open until further written order of the Superintendent.

DONE AND ORDERED this 24th day of March, 2020.
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Supplemental Order was emailed to the following individuals, as indicated below, this 24th day of March, 2020.

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