

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Superintendent of Insurance (“Superintendent”), and the New Mexico Office of Superintendent of Insurance (“OSI”), pursuant to the New Mexico Insurance Code, Section 59A-1-1 *et seq.* NMSA 1978 (“Insurance Code”), proposes to promulgate a new rule pertaining to health care provider network plans, network adequacy, and provider directories, to be codified in the New Mexico Administrative Code, 13.10.30 NMAC - Health Insurance – Network Access Plans, Network Adequacy and Provider Directories.

The purpose of this rule is to set forth requirements for developing, maintaining, and reporting provider health care networks that adequately serve the subscribers of health benefits plans. The proposed rule also provides for waivers or exceptions to network requirements for remote and less populated areas of the state, based on unavailability of providers in such areas. The rule also contains requirements for updating and publication of current provider directories that are made available to subscribers, interested members of the public, OSI, and others.

Statutory authority for promulgation of this rule is found at Sections 59A-1-18, 59A-2-8, 59A-2-9, 59A-4-3, 59A-7-3, 59A-16-3 through 59A-16-5, 59A-18-2, 59A-18-16.2, 59A-22-1 *et seq.*, 59A-22A-1 *et seq.*, 59A-23-3, 59A-23-7.12, 59A-42A-1 *et seq.*, 59A-46-7 through 59A-46-10, 59A-46-35, 59A-46-50.3, 59A-47-24, and 59A-57-4 NMSA 1978.

The proposed rule may be found on the OSI website at <http://www.osi.state.nm.us/>, under the “Rulemaking” tab and is incorporated by reference into this NOPR. A copy of the full text of the proposed rule is available by electronic download from the OSI website or the New Mexico Sunshine portal, or by requesting a copy in person at the NM Office of Superintendent of Insurance, 1120 Paseo de Peralta, Santa Fe, NM 87501.

The Superintendent will hold a public comment hearing beginning at **10:00 a.m. on Tuesday, April 17, 2018**, at the Office of Superintendent of Insurance, Fourth Floor Hearing Room, PERA Building, 1120 Paseo de Peralta, Santa Fe, New Mexico. Deputy Superintendent Robert Doucette will be the designated hearing examiner in this case.

OSI staff, all insurers, licensees, insurance business entities, other persons transacting insurance business in New Mexico, and the members of the public are encouraged to provide comments or file any written proposals or comments according to the criteria and schedule set forth as follows: (a) oral comments will be accepted at the public hearing from any interested parties; (b) written statements, proposals or comments may be submitted for the record, in lieu of providing oral testimony at the hearing are due no later than 4:00 p.m. on **Friday April 6, 2018**.

Written responses may be submitted for the record following the hearing and are due no later than **4:00 pm on Friday, April 19, 2018**.

The Superintendent will consider all oral comments, and will review all timely submitted written comments and responses. The record shall be closed at **4:00 p.m. on Friday, April 27, 2018**.

Any person with a disability requiring special assistance in order to participate in a hearing should contact Melissa Martinez, at 505-476-0333 at least 48 hours prior to the commencement of the hearing.

Written comments, proposals, or responsive comments may be submitted via email to mariano.romero@state.nm.us or may be filed by sending original copies to:

OSI Records & Docketing, NM Office of Superintendent of Insurance
Attention: Mariano Romero, Room 331

1120 Paseo de Peralta, P.O. Box 1689, Santa Fe, NM 87504-1689

Docket No. 18-00002-RULE-LH

Only signed statements, proposals or comments will be accepted. Scanned or facsimile signatures or electronic signatures conforming to federal and state court requirements will be accepted with the understanding that if there is any dispute regarding a signature, OSI reserves the right to require that original signatures be provided to verify the electronic or facsimile signature. All filings must be received between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday except on state holidays. Any filings after 4:30 will be filed to the docket the next business day.

DONE AND ORDERED this 30th day of January, 2018.
S/JOHN G. FRANCHINI