

## NOTICE OF PROPOSED RULEMAKING

**NOTICE IS HEREBY GIVEN** that the Superintendent of Insurance (“Superintendent”), pursuant to the New Mexico Insurance Code, Sections 59A-1 -1 et seq. NMSA 1978 (“Insurance Code”) and 13.1.4 NMAC, proposes to adopt new rules 13.10.3 NMAC MINIMUM STANDARDS FOR SHORT-TERM PLANS and 13.10.34 NMAC STANDARDS FOR ACCIDENT ONLY, SPECIFIED DISEASE OR ILLNESS, HOSPITAL INDEMNITY, AND RELATED EXCEPTED BENEFITS.

### **PURPOSE OF THE PROPOSED NEW RULES:**

**13.10.3 NMAC** is to establish regulatory requirements for short-term health benefit plans. The rule will standardize and simplify the terms and coverages, facilitate public understanding and comparison of coverage, and prohibit provisions that may be misleading or confusing in connection with such plans.

**13.10.34 NMAC** is to establish regulatory requirements for the subject excepted benefit plans. The rule will standardize and simplify the terms and coverages; facilitate public understanding and comparison of coverage; eliminate provisions that may be misleading or confusing in connection with the purchase and renewal of the coverages or with the settlement of claims; and require disclosures in the marketing and sale of excepted benefit plans.

**STATUTORY AUTHORITY** Section 59A-23G-1 et seq. NMSA 1978.

Copies of the Notice of Proposed Rulemaking and proposed new rules are available by electronic download from the OSI website (<https://www.osi.state.nm.us/index.php/idms/>) and the New Mexico Sunshine portal.

OSI will hold a public video/telephonic hearing on the proposed new rules on August 13, 2020 at 9:00 a.m.

Join via Video: <https://us02web.zoom.us/j/2916274744>

Join via telephone: 1-346-248-7799 Meeting ID: 291 627 4744

The Superintendent designates R. Alfred Walker to act as the hearing officer for this rulemaking. Oral comments will be accepted at the video/telephonic hearing from members of the public and any interested parties.

Written comments and proposals will be accepted through 4:00 pm on the day of the public hearing, or the last day of the public hearing if the public hearing extends for more than one day. Responses to written comments or oral comments will be accepted through 4:00 pm on August 24, 2020. Comments may be submitted via email to [OSI-docketfiling@state.nm.us](mailto:OSI-docketfiling@state.nm.us) or may be filed by sending original copies to:

OSI Records and Docketing, NM Office of Superintendent of Insurance  
1120 Paseo de Peralta, P.O. Box 1689, Santa Fe, NM 87504-1689

### **Docket No.: 20-00042-RULE-LH**

IN THE MATTER OF ADOPTING NEW RULES 13.10.3 MINIMUM STANDARDS FOR SHORT-TERM PLANS

### **Docket No.: 20-00043-RULE-LH**

IN THE MATTER OF ADOPTING NEW RULES 13.10.34 NMAC STANDARD FOR ACCIDENT ONLY, SPECIFIED DISEASE OR ILLNESS, HOSPITAL INDEMNITY, AND RELATED EXCEPTED BENEFITS

Only signed statements, proposals or comments will be accepted. Scanned 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 4:00 p.m. Monday through Friday except on state holidays. Any filings received after 4:00 pm on a weekday will be filed to the docket the next business day.

**SPECIAL NEEDS:** Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other auxiliary aid or service to attend or participate in the hearing should contact Melissa Gutierrez at 505-476-0333 ten (10) business days prior to the hearing.

The Superintendent will consider all oral comments, and will review all timely submitted written comments and responses.

ISSUED this 14<sup>th</sup> day of July 2020  
/S/RUSSELL TOAL