

**NOTICE OF PROPOSED RULEMAKING**

**NOTICE IS HEREBY GIVEN** that the Superintendent of Insurance (Superintendent), pursuant to the Insurance Code, Section 59A-1 -1 et seq. NMSA 1978 (“Insurance Code”) and 13.1.4 NMAC, proposes to amend 13.10.27 NMAC, UNIFORM DEFINITIONS AND STANDARDIZED METHODOLOGIES FOR CALCULATING THE MEDICAL LOSS RATIO.

**PURPOSE AND SUMMARY OF THE PROPOSED RULES** The purpose of this rule is to clarify statutory requirements that insurers make reimbursement for direct services at certain levels across all product lines by providing guidance and establishing uniform definitions and standardized methodology for calculating the minimum medical loss ratio.

**STATUTORY AUTHORITY:** NMSA 1978, Sections 59A-1-1 et seq.

Copies of the Notice of Proposed Rulemaking and proposed rules are available by electronic download from the OSI website (<https://www.osi.state.nm.us/index.php/idms/>) or the New Mexico Sunshine portal. There are two versions of rules being proposed; (1) A proposal from Staff with proposed revisions to the entire rule, and (2) a proposal from Blue Cross Blue Shield of New Mexico for a revision to Subsection G of Section 8 of 13.10.27 NMAC.

OSI will hold a public video/telephonic hearing on the proposed rules on June 15, 2020 at 10:00 a.m.,

Join via Video:

<https://melissagutierrez.my.webex.com/melissagutierrez.my/j.php?MTID=m81a40bb946581770230711e1badb33a7>

Access Code: 628 608 286

Password: OSI2020

Join via telephone:

+1-408-418-9388

Access Code: 628 608 286

Password: OSI2020

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 June 25, 2020. Comments may be submitted via email to 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.: 19-00057-RULE-LH**

**IN THE MATTER OF THE PETITION OF BLUE CROSS BLUE SHIELD OF NEW MEXICO FOR AMENDMENT OF THE UNIFORM DEFINITIONS AND STANDARDIZED METHODOLOGIES FOR CALCULATING THE MEDICAL LOSS RATIO RULE.**

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 after 4:00 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.

DONE AND ORDERED this 5<sup>th</sup> day of May 2020  
/S/RUSSELL TOAL