

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Superintendent of Insurance (“OSI” or “Superintendent”) will hold a public video/telephone hearing regarding a proposed repeal and replace of 13.10.30 NMAC PHARMACY BENEFITS MANAGERS. This hearing will be held on **December 2, 2021, at 9:00 a.m.**

PURPOSE AND SUMMARY OF THE PROPOSED RULES: The proposed rules will establish operating standards, licensing, reporting and record retention requirements for Pharmacy Benefits Managers (“PBM”) to implement and promote the objectives and policies of the Pharmacy Benefits Manager Regulation Act, Chapter 59A, Article 61 NMSA 1978. These rules will clarify and streamline PBM licensing and reporting requirements, standardize grievance processes, enhance confidentiality protections, prohibit conflicts of interest and eliminate inconsistencies between PBM rules and applicable rules concerning health plan governance.

STATUTORY AUTHORITY: Section 59A-2-9 NMSA 1978 and Subsection C of Section 59A-61-3 NMSA 1978.

TO ATTEND THE HEARING: Join via Video: <https://us02web.zoom.us/j/2916274744>
Join via telephone: 1-312-626-6799
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 public hearing from members of the public and other interested parties. Any updates concerning the hearing date, time, or location will be available by subscribing to the “Rulemaking & Ratemaking” newsletter at: <https://newsletter.osi.state.nm.us/>.

Copies of the Notice of Proposed Rulemaking and proposed amended rules are available by electronic download from the OSI eDocket <https://edocket.osi.state.nm.us/guest/case-view/5698> or the New Mexico Sunshine portal, or by requesting a copy by calling (505) 476-0333. Note: Due to the COVID-19 pandemic, the physical offices of the OSI remain closed to the public until further notice.

Written comments will be accepted through 4:00 p.m. on December 2, 2021. Responses to written comments or oral comments will be accepted through 4:00 p.m. on December 13, 2021. All comments shall be filed electronically through the OSI eDocket at <https://edocket.osi.state.nm.us/guest/case-view/5698> or delivered by mail to:

OSI Records and Docketing, NM Office of Superintendent of Insurance
1120 Paseo de Peralta, P.O. Box 1689, Santa Fe, NM 87504-1689.
For help submitting a filing, please contact OSI-docketfiling@state.nm.us.
The below docket number must be indicated on filed comments.

Docket No. 2021-0075

IN THE MATTER OF REPEALING AND REPLACING RULES 13.10.30 NMAC PHARMACY BENEFITS MANAGERS

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

SPECIAL NEEDS: Any person with a disability requiring special assistance to participate in the hearing should contact Melissa Gutierrez at 505-476-0333 no later than ten (10) business days prior to the hearing.

DONE AND ORDERED this 26th day of October, 2021
/S/RUSSELL TOAL