

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Superintendent of Insurance (“Superintendent”), pursuant to Section 59A-2-9 NMSA 1978, SB 71, enacting a new Section of Chapter 57, NMSA 1978 cited as the “Patients’ Debt Collection Protection Act”, and 13.1.4 NMAC, proposes to repeal and replace Emergency Rule 13.10.39 NMAC: Patients’ Debt Collection Protections.

PURPOSE OF THE PROPOSED REPLACEMENT RULE: The purpose of this rule is to implement the provisions of the Patients’ Debt Collection Protection Act for which the Office of Superintendent of Insurance (“OSI”) is responsible, including provisions that ensure that health care facilities and covered third-party health care providers screen and identify patients who are indigent and eligible for Medicaid or other health insurance, and to ensure that medical debt incurred by indigent patients will not be pursued through collection actions.

STATUTORY AUTHORITY: Section 59A-2-9 NMSA 1978 and SB 71, enacting a new Section of Chapter 57, NMSA 1978 cited as the “Patients’ Debt Collection Protection Act”.

Copies of the proposed rule will be available on the OSI electronic docket by clicking here: **2021-0037** or the New Mexico Sunshine Portal, or by contacting Melissa Gutierrez at melissa.gutierrez@state.nm.us.

OSI will hold a public video/telephonic hearing on the proposed rule on September 27, 2021 at 9:00 a.m.

Join via Video: <https://us02web.zoom.us/j/83654595694>

Join via telephone: 1 312 626 6799 Meeting ID: 836 5459 5694

The Superintendent designates R. Alfred Walker as hearing officer for this rulemaking who will accept oral comments 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 September 27, 2021. Responses to written comments or oral comments will be accepted through 4:00 pm on October 7, 2021. 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.: 2021-0037

**IN THE MATTER OF ADOPTION OF RULES FOR PATIENTS’ DEBT COLLECTION PROTECTIONS,
13.10.39 NMAC**

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 signature.

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.

SPANISH INTERPRETER NEEDS: Cualquier persona que necesite un intérprete de español para participar en la audiencia debe enviar un correo electrónico a Melissa Gutiérrez a melissa.gutierrez@state.nm.us diez (10) días hábiles antes de la audiencia.

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

ISSUED this 24th day of August, 2021

/S/RUSSELL TOAL