

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Superintendent of Insurance (“OSI” or “Superintendent”) will hold an in-person public hearing regarding the repealing of 13.10.22.8 NMAC – ACCESS TO HEALTH CARE SERVICES and adding a new rule 13.10.38 NMAC – NETWORK ADEQUACY. This hearing will commence on **February 20, 2023, at 10:00 a.m.**

PURPOSE OF THE PROPOSED RULE: The purpose of this rule is to formalize OSI’s network adequacy expectations and standards, which thus far, have been issued through Guidance. Additionally, New Mexico is now a State-Based Exchange and many federal regulations that previously governed Qualified Health Plans no longer apply. OSI needs to promulgate state-based regulations to address the gaps left by the transition from a Federally Facilitated Exchange to State-Based Exchange. OSI further intends to simplify Network Adequacy standards by ensuring that all plans under our jurisdiction are subject to the same standards.

STATUTORY AUTHORITY: Sections 59A-1-18, 59A-2-9, 59A-4-1, 59A-16-1, 59A-18-16.2, 59A-22-1, 59A-22A-7, 59A-23-1, 59A-44-41, 59A-46-23, 59A-47-5, 59A-57-4., and 59A-61-5 NMSA 1978.

TO ATTEND THE HEARING:

This meeting will be held in-person at:
Office of Superintendent of Insurance
1120 Paseo de Peralta, 4th Floor Hearing Room
Santa Fe, NM 87501

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 and Ratemaking” newsletter at: <https://newsletter.osi.state.nm.us/>.

Copies of the Notice of Proposed Rulemaking and proposed new rules are available by electronic download from the OSI eDocket <https://edocket.osi.state.nm.us/guest/case-view/5825> or by requesting a copy by calling (505) 372-9135.

Written comments will be accepted through 4:00 p.m. on February 20, 2023. Responses to written comments or oral comments will be accepted through 4:00 p.m. on March 2, 2023. All comments shall be filed electronically through the OSI eDocket <https://edocket.osi.state.nm.us/guest/case-view/5825> or mailed to:

OSI Records and Docketing
NM Office of Superintendent of Insurance
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. 2023-001
IN THE MATTER OF NEW RULE CODIFIED AT 13.10.38 NMAC - NETWORK ADEQUACY

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 Freya Joshi at 505-372-9135 no later than ten (10) business days prior to the hearing.

DONE AND ORDERED this 18th day of January, 2023.
/S/RUSSELL TOAL