

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 50 INSURANCE
PART 9 COORDINATION OF BENEFITS REQUIREMENTS - DUPLICATE OR OVERLAPPING
BENEFITS COVERAGES

6.50.9.1 ISSUING AGENCY: New Mexico Public School Insurance Authority.

[6.50.9.1 NMAC - Rp, 6 NMAC 50.9.1, 09/01/2014]

[The address of the New Mexico Public School Insurance Authority is 410 Old Taos Highway, Santa Fe, New Mexico 87501.]

6.50.9.2 SCOPE: This part applies to all school districts, charter schools, other educational entities, eligible employees, eligible retired employees, eligible dependents, eligible participating entity governing body members, and persons or entities authorized to participate in the authority's employee benefits or risk-related coverages.

[6.50.8.2 NMAC - Rp, 6 NMAC 50.8.2, 09/01/2014]

6.50.9.3 STATUTORY AUTHORITY: Subsection D of Section 22-29-7 NMSA 1978, directs the authority to promulgate necessary rules, regulations and procedures for the implementation of the New Mexico Public School Insurance Authority Act, Section 22-29-1 et seq. NMSA 1978.

[6.50.8.3 NMAC - Rp, 6 NMAC 50.8.3, 09/01/2014]

6.50.9.4 DURATION: Permanent.

[6.50.8.4 NMAC - Rp, 6 NMAC 50.8.4, 09/01/2014]

6.50.9.5 EFFECTIVE DATE: September 1, 2014 unless a later date is cited at the end of a section.

[6.50.8.5 NMAC-Rp, 6 NMAC 50.8.5, 09/01/2014]

6.50.9.6 OBJECTIVE: The objective of this part is to bring Subsection F of Section 22-29-9, NMSA 1978, to the attention of members and provide direction as to what other insurance may be maintained by members and to provide for claims where there is duplicate coverage.

[6.50.8.6 NMAC - Rp, 6 NMAC 50.8.6, 09/01/2014]

6.50.9.7 DEFINITIONS: [RESERVED]

6.50.9.8 SCHOOL DISTRICT AUTHORITY TO MAINTAIN INSURANCE: Each school district, charter school and other educational entity participating in the authority offerings shall not separately offer any competing employee-benefits insurance coverage. However, each member participating in the authority offerings may separately obtain any risk-related insurance coverage in addition to the coverage offered by the authority.

[6.50.8.8 NMAC - Rp, 6 NMAC 50.8.8, 09/01/2014]

6.50.9.9 AUTHORITY'S LIMITATION OF LIABILITY FOR DUPLICATE OR OVERLAPPING PREMIUMS PAID: To the extent that the insurance coverage purchased by the member or individual participant duplicates or overlaps insurance coverage provided by the authority, the authority will not reduce or rebate any portion of its premium nor is the authority liable to the participating entity or to any individual participant for any premiums paid by the participating entity or the individual participant for duplicate or overlapping coverage.

[6.50.8.9 NMAC - Rp, 6 NMAC 50.8.9, 09/01/2014]

6.50.9.10 RISK RELATED OVERLAPPING INSURANCE COVERAGES: Where there is other insurance, no matter how acquired or provided to an insured, the authority shall follow the "guiding principles for overlapping insurance coverages " adopted by the association of casualty and surety companies, the inland marine underwriters association, the national automobile underwriters association, the national board of fire underwriters, the national bureau of casualty underwriters and the surety association of America to determine the obligations of the authority with respect to apportionment of losses with other insurers.

[6.50.8.10 NMAC - Rp, 6 NMAC 50.8.10, 09/01/2014]

6.50.9.11 EMPLOYEE BENEFITS COVERAGE/COORDINATION OF BENEFITS RULES:

Coordination of benefits ("COB") rules of the authority's medical carrier shall prevail in any situation where a conflict exists with any other authority benefits carrier. In the event of a conflict among authority carriers addressed by COB rules, the COB rules of the carrier of coverages wherein the authority is at risk will prevail. In the event of a conflict between an authority carrier and a non-authority carrier addressed by the COB rules of the authority carrier, the authority carrier COB rules will prevail.

[6.50.8.11 NMAC - Rp, 6 NMAC 50.8.11, 09/01/2014]

HISTORY OF 6.50.9 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

NMPSIA 86-104, Participating Entity Maintenance Of Risk-Related Insurance, filed 10/31/86;

NMPSIA 86-202, Employee Benefit Minimum Benefits and Employee-Benefit Financial Standards, filed 10/31/86;

NMPSIA 93-12, Participating Entity Competing Employee Benefits Coverages Duplicate Or Overlapping Coverages and Coordination Of Benefits Rules, filed 3/22/93.

History of Repealed Material:

6 NMAC 50.9, Coordination of Benefits Requirements - Duplicate or Overlapping Benefits Coverages, filed 10/1/97-Repealed effective 09/01/2014.