

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Superintendent of Insurance (“Superintendent”) upon the Superintendent’s own motion proposes to repeal and replace certain rules found in 13.21 NMAC, previously issued as emergency rules, effective 3/1/2019.

The purpose of these rules are to ensure that the Patient’s Compensation Fund is organized, administered, and operated on a financially and actuarially sound basis so as to achieve the purpose for which it was established.

Statutory authority for promulgation of the proposed amended rule is found at Sections 41-5-25 NMSA 1978.

The proposed replacement rules may be found posted on the Patient’s Compensation Fund <https://www.osi.state.nm.us/patient-compensation-fund/index.html> website and are incorporated by reference into this Notice of Proposed Rulemaking. Copies of the Notice of Proposed Rulemaking and proposed rules are available by requesting a copy in person at the NM Office of Superintendent of Insurance, 1120 Paseo de Peralta, Santa Fe, NM 87501.

The Superintendent will hold a public hearing on the proposed rule on April 1, 2019, at 10:00: a.m. at the NM Office of Superintendent of Insurance, 4th Floor Hearing Room Conference Room, Old PERA Building, 1120 Paseo de Peralta, Santa Fe, New Mexico. The Superintendent or his designee shall act as the hearing officer for this rulemaking. Oral comments will be accepted at the public hearing from members of the public and any interested parties.

Written comments and proposals will be accepted through 4:00 pm on Thursday, March 28, 2019. Responsive comments will be accepted through 4:00 pm on April 4, 2019. Comments may be submitted via email to melissa.martinez2@state.nm.us or may be filed by sending original copies to:

Patient’s Compensation Fund
Attention: Melissa Martinez
1120 Paseo de Peralta, P.O. Box 1689, Santa Fe, NM 87504-1689 **Docket No.: 19-00001-PCF**

Only signed statements, proposals or comments will be accepted. scanned or facsimile signatures 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 received after 4:00 p.m. will be filed to the docket the next business day.

Any person with a disability requiring special assistance in order to participate in the hearing should contact Melissa Martinez, Law Clerk, Office of General Counsel, at 505-476-0333 at least 48 hours prior to the commencement of the hearing.

The Superintendent will consider all oral comments, and will review all timely submitted written comments and responses. The record shall close on the earlier of thirty (30) days following the Public Hearing or the date a Final Order is issued in this case.

DONE AND ORDERED this 26th day of February 2019.
/S/JOHN G. FRANCHINI