

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Superintendent of Insurance (“Superintendent”) upon the Superintendent’s own motion, and proceeding pursuant to the New Mexico Insurance Code, Section 59A-1 -1 et seq. NMSA 1978 (“Insurance Code”), proposes to adopt an amendment to 13.10.25 NMAC, Paragraph (2) of Subsection 11, previously issued as an emergency amendment, effective 1/1/2019.

The purpose of the rule amendment is to make permanent the emergency rule amendment that went into effect on January 1, 2019. This emergency rule corrected an error in a previously adopted rule.

Statutory authority for promulgation of the proposed amended rule is found at Sections 59A-2-8, 59A-2-9, and 59A-24A-1 et seq. NMSA 1978.

The proposed amendment may be found on the OSI website at <http://www.osi.state.nm.us> under the “Statutes & Rulemaking” tab and is incorporated by reference into this Notice of Proposed Rulemaking. The proposed rule designation is 13.10.25 NMAC. Copies of the Notice of Proposed Rulemaking and proposed rule are available by electronic download from the OSI website or the New Mexico Sunshine portal, or by requesting a copy in person at the NM Office of Superintendent of Insurance, 1120 Paseo de Peralta, Santa Fe, NM 87501.

OSI will hold a public hearing on the proposed rule on March 18, 2019 at 9:30 a.m. at the NM Office of Superintendent of Insurance, 4th Floor 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. OSI will accept oral comments at the public hearing from members of the public and any interested parties including, but not limited to OSI staff and health insurance carriers covering residents of this state.

Written comments and proposals will be accepted through 4:00 pm on Thursday, March 14, 2019. Responsive comments will be accepted through 4:00 pm on March 22, 2019. Comments may be submitted via email to mariano.romero@state.nm.us or may be filed by sending original copies to:

OSI Records and Docketing, NM Office of Superintendent of Insurance
Attention: Mariano Romero, Room 331

1120 Paseo de Peralta, P.O. Box 1689, Santa Fe, NM 87504-1689 **Docket No.: 19-00002-RULE-LH**

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 12th day of February 2019.

/S/JOHN G. FRANCHINI