

NEW MEXICO PARTIALLY LIFTS MORATORIUM ON APPROVAL OF RATE FILING FOR SPECIFIC EXCEPTED BENEFIT PRODUCTS

The third time is a charm. The New Mexico superintendent of insurance has issued a third bulletin addressing the partial lifting of the filing moratorium on specific “excepted benefit” products. This recently published bulletin contains good news regarding the filing of *updated rates* for previously approved dental, vision and disability excepted benefits.

How We Got Here

- Back in June 2019, New Mexico passed a new law dealing with short term health plans and excepted benefit products. This law called for additional guidance in the form of a regulation covering these products.
- In February 2020, the superintendent issued a moratorium on approval of all excepted benefit filings until the new regulation was completed and promulgated.
- The new regulation, [13.10.34 NMAC](#), was effective on October 1, 2020 for new business, but it *does not apply to dental, vision or disability excepted benefit products*. It applies to coverage-only accident insurance, coverage-only specified disease or illness, hospital indemnity, other fixed indemnity insurance, and Champus/Tricare supplemental plans that contain these coverages. See my [article](#) published in early October 2020 outlining some of the excepted benefit requirements under the new regulation.
- The filing moratorium continued in place for new and previously approved dental, vision and disability excepted benefit products. It is anticipated a rule may be promulgated for these products in 2021 that may remedy the situation
- On October 15, 2020 the superintendent changed his position and allowed insurers to request approval of updated advertisements of previously approved *dental, vision and disability previously excepted benefit plans*. See my [article](#) published in early November regarding [Bulletin 2020-020](#).

The Good News

The superintendent has again expanded his position and allows insurers who continue to market those previously approved dental, vision and disability excepted benefits to now update and file their rates. This change of position on rate filings is outlined in [Bulletin 2020-022](#) and is effective on December 3, 2020.

Bulletins

To help you keep track of all the bulletins released by the superintendent this year dealing with excepted benefits, we have updated the list to include the newest bulletin:

1. [Bulletin 2020-003](#), February 25, 2020 – Moratorium on Approval of Excepted Benefit Filings until Promulgation and Application of Rules.
2. [Bulletin 2020-017](#), October 1, 2020 – Partial Lifting of Filing Moratorium Imposed in [Bulletin 2020-003](#).
3. [Bulletin 2020-018](#), October 1, 2020 - Recission of Bulletin 2019-006 (Group Excepted Benefit Health Policy Annual Certification and Informational Policy Filing).
4. [Bulletin 2020-019](#), October 1, 2020 - Out-of-State Group Excepted Benefits Rate and Form Filing.
5. [Bulletin 2020-020](#), October 15, 2020 – Partial Lifting of Advertising Filing Moratorium Imposed in Bulletin 2020-003.
6. [Bulletin 2020-022](#), December 3, 2020 – Partial Lifting of Rate Filing Moratorium Imposed in [Bulletin 2020-003](#).

Next Steps – Filing of Rates

Because of the superintendent’s change in position, carriers can now move forward and update their rates for previously approved dental, vision, and disability excepted benefit products.

[First Consulting](#) has the expertise to assist you with submitting your filings to state insurance departments, whether it be for advertising and rates for excepted benefit products, or for your other products. Contact us today to learn more on how we can help with your filing needs.



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Kathy has over 30 years of insurance compliance experience in product development, filings, legal research, advertising review, and compliance monitoring of state and federal laws. She has worked with all types of life and health products, including individual and group.