

**NOTICE OF PROPOSED RULEMAKING**

**NOTICE IS HEREBY GIVEN** that the Office of Superintendent of Insurance (OSI or Superintendent), Managed Health Care Bureau (MHCB) will hold a public hearing in person, via video conference and telephone conference regarding proposed amendments to 13.10.17 NMAC, Grievance Procedures. **This hearing will commence on Friday, September 27, 2024, at 10:00 a.m.**

**PURPOSE OF THE PROPOSED RULE:** The purpose of this rulemaking is to address amendments to 13.10.17 NMAC, Grievance Procedures. The proposed amendments to 13.10.17 NMAC address: **1)** exemptions in the scope of the rule in Subsection B of 13.10.17.2 NMAC; **2)** assistance to grievants in Subsection C of 13.10.17.9 NMAC; **3)** the assistance required to be given to insured from the health care insurer and from the MHCB and to explain the role of the MHCB in Paragraph (4) of Subsection A of 13.10.17.10 NMAC; **4)** the extension of the internal panel review from five to 15 days in Paragraph (7) of Subsection B of 13.10.17.15 NMAC; **5)** eligibility requirements for grievants subject to the New Mexico Health Care Purchasing Act for an external review through OSI after an internal review by the health care insurer and review board in Subsection C of 13.10.17.18 NMAC; **6)** the details of initiation of an expedited review in Subsection A of 13.10.17.21 NMAC; **7)** the IRO number of clinical reviewers in Subsection C of 13.10.17.23 NMAC and Paragraph (3) of Subsection D of 13.10.17.22 NMAC; **8)** amendments to the Superintendent's hearing procedures in Subsection H of 13.10.17.24 NMAC; **9)** updates to contact information in Subsection C of 13.10.17.15 NMAC, Subsection B of 13.10.17.21 NMAC, and Subsection A of 13.10.17.31 NMAC; and **10)** extends the time available for review of an administrative grievance by the Superintendent from 45 days to 60 days in 13.10.17.33 NMAC.

**STATUTORY AUTHORITY:** Sections 59A-1-16, 59A-2-8, 59A-2-9, 59A-15-16, 59A-16-3, 59A-16-11, 59A-16-12, 59A-16-12.1, 59A-16-20, 59A-16-22, 59A-19-4, 59A-19-6, 59A-22A-7, 59A-46-10, 59A-46-11, 59A-57-1 through 59A-57-11 NMSA 1978.

**TO ATTEND THE HEARING IN PERSON:** Office of Superintendent of Insurance - 1120 Paseo de Peralta, (PERA Building), 4<sup>th</sup> Floor Hearing Room, Santa Fe, NM 87501

**PLEASE NOTE:** The entrance to the PERA Building is on the ground floor. All guests must sign in with the ground floor receptionist and then will be escorted to the 4<sup>th</sup> Floor Hearing Room. Please give yourself extra time to check in before 10:00 a.m.

**TO ATTEND THE HEARING BY ELECTRONIC VIDEO CONFERENCE VIA MS TEAMS MEETING:**

Please copy the link below into your browser to get to the meeting:

[https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F\\_%23%2F1%2Fmeetup-join%2F19%3Ameeting\\_ZGMxYzhmNmYtNjhlOS00MmFkLTljMDktYTdlZGM3NmJiNWVk%40thread.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%252204aa6bf4-d436-426f-bfa4-04b7a70e60ff%2522%252c%2522Oid%2522%253a%252292f8d9f0-87c0-44c3-9357-ba0eb6121f10%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=e70f1cfc-f2f1-4347-ad03-98d1067de0f8&directDl=true&msLaunch=true&enableMobilePage=true&suppressPrompt=true](https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F_%23%2F1%2Fmeetup-join%2F19%3Ameeting_ZGMxYzhmNmYtNjhlOS00MmFkLTljMDktYTdlZGM3NmJiNWVk%40thread.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%252204aa6bf4-d436-426f-bfa4-04b7a70e60ff%2522%252c%2522Oid%2522%253a%252292f8d9f0-87c0-44c3-9357-ba0eb6121f10%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=e70f1cfc-f2f1-4347-ad03-98d1067de0f8&directDl=true&msLaunch=true&enableMobilePage=true&suppressPrompt=true)

**TO ATTEND VIA TELEPHONE:** +1 505-312-4308 Phone Conference ID: 855675742#

**PUBLIC COMMENT:** The Superintendent designates Clifford Rees as the hearing officer for this hearing. Oral comments will be accepted at the public hearing from members of the public and other interested parties in-person or electronically. Copies of the Notice of Proposed Rulemaking and proposed rules are available by electronic download from the OSI eDocket (<https://edocket.osi.state.nm.us/case-view/5972>) or by requesting a copy by calling Gurrattanpal "Mickey" Singh at: 505-231-9013. Any copies of the Notice of Proposed Rulemaking, proposed rules, and any updates concerning the hearing date, time, or location will be available by visiting the OSI website at:

<https://www.osi.state.nm.us/pages/bureaus/legal/resources/laws-rules> or on the Sunshine Portal at:  
[https://statenm.my.salesforce-sites.com/public/SSP\\_RuleHearingSearchPublic](https://statenm.my.salesforce-sites.com/public/SSP_RuleHearingSearchPublic) (from the “Agency” drop down menu, select “Office of Superintendent of Insurance”)

**Written comments will be accepted through 4:00 p.m. on Friday, September 27, 2024. Responses to written or oral comments delivered at the hearing will be accepted through 4:00 p.m. on Monday, October 8, 2024.**

All comments shall be filed electronically through the OSI eDocket. Please copy the following link into your browser to get to the eDocket: <https://edocket.osi.state.nm.us/case-view/5972>

Written comments may be sent via U. S. mail to:

**OSI Records and Docketing  
NM Office of Superintendent of Insurance  
P.O. Box 1689, Santa Fe, NM 87504-1689**

Written comments must be received by OSI and stamped as accepted 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 and consider all timely submitted written comments and written responses. For help submitting a filing, please contact [osi-docketfiling@state.nm.us](mailto:osi-docketfiling@state.nm.us). **The below docket number and title must be indicated on all written comments submitted to the OSI:**

**Docket No. 2024-0060 – Please copy the following link into your browser to get to the eDocket:  
<https://edocket.osi.state.nm.us/case-view/5972>**

**IN THE MATTER OF AMENDMENTS TO 13.10.17 NMAC, GRIEVANCE PROCEDURES**

**SPECIAL NEEDS:** Any person with a disability requiring special assistance to participate in the hearing should contact Andrea Padilla, at 505-531-7171 no later than ten (10) business days prior to the hearing.