

November 8, 2022

The Honorable Russell Toal
Superintendent of Insurance
New Mexico Office of Superintendent of Insurance
1120 Paseo De Peralta
Santa Fe, NM 97501

Superintendent Toal,

Our organizations serve thousands of individuals living with serious, acute, and chronic health conditions across New Mexico. We have an informed perspective on what people with pre-existing conditions and their families need to prevent disease, treat or cure their illness, and preserve their health and well-being. For that reason, we thank you and your staff for standing up for consumers today. The final rule adopted in Office of Superintendent of Insurance (OSI) [Docket Number 2021-0084](#), concerning “standards for accident-only, specified disease, hospital indemnity, disability income, supplemental, and non-subject work expected benefits” will offer significant protection for consumers and patients as they seek health coverage that fits their needs.

Comprehensive medical coverage is essential to meeting the needs of the people we serve. A lack of coverage – whether uninsured or underinsured – reduces access to care, discourages preventive care, and increases the likelihood that patients will face medical and financial hardships.¹ Our organizations applaud OSI for setting fair and responsible standards regulating supplemental products to ensure that consumers do not mistake them, either unintentionally or as a result of misleading marketing, for more comprehensive coverage. The rule will help patients and consumers by standardizing and simplifying terms and coverages, eliminating practices that may be misleading or confusing. Such as bundling products together to look like major medical, improving plan design and marketing transparency, and requiring disclosures in the marketing and sale of excepted benefit plans subject to the rule.

Now that this rule is final, we urge you to take further steps to protect patients and consumers. OSI has existing authority to implement standard plans and should prioritize these actions immediately. With the high cost of healthcare, patients face significant financial risk due to their diagnosis. Standardized health plan designs offer numerous advantages to patients and consumers. Requiring plans to adhere to uniform cost-sharing parameters promotes informed decision-making: the shared standards reduce consumer confusion and make it easier to draw meaningful comparisons based on variables such as plans’ premiums and network composition and design. Standardized plans also can be a tool for improving coverage affordability, for example, exempting certain services, such as primary and mental healthcare, from the deductible.

¹ Collins, S., Gunja, M., Aboulafia, G. “U.S. Health Insurance Coverage in 2020: A Looming Crisis in Affordability.” Commonwealth Fund (August 2020). Available online at: https://www.commonwealthfund.org/sites/default/files/2020-08/Collins_looming_crisis_affordability_biennial_2020_sb.pdf (Accessed September 20 2022)

Plan designs should also favor co-pay structures instead of co-insurance, promoting affordability and making it easier for consumers to understand their benefits. Finally, they should contribute to broader policy efforts to reduce health disparities, lowering cost barriers to services and supplies that address health conditions that disproportionately affect people of color and others who historically have been underserved.

Our organizations stand ready to partner with you to protect patients and consumers in New Mexico. If we can be of further assistance, please do not hesitate to contact any of our organizations. Or please get in touch with Adam Zarrin, Regional Director of State Government Affairs, The Leukemia & Lymphoma Society at Adam.Zarrin@LLS.org. Thank you in advance for your time and consideration of these issues.

Sincerely,

American Cancer Society Cancer Action Network
American Diabetes Association
American Lung Association
Cystic Fibrosis Foundation
Hemophilia Federation of America and
National Multiple Sclerosis Society
National Organization for Rare Disorders
The Leukemia & Lymphoma Society
Sangre de Oro, Inc.