



**BlueCross BlueShield
of New Mexico**

November 14, 2022

OSI Records and Docketing
Russell Toal, Superintendent of Insurance
NM Office of Superintendent of Insurance
PO Box 1689
Santa Fe, New Mexico 87504-1689

Re: In the Matter of Adopting Amendments to Rule 13.10.31 NMAC Prior Authorization – Docket No. 2022-0064

Dear Superintendent Toal:

Blue Cross and Blue Shield of New Mexico (BCBSNM) appreciates the opportunity to provide responsive comments regarding the proposed amendments to rule 13.10.31 NMAC.

BCBSNM notes that several comments were filed regarding the threshold prior authorization approval rate for a provider to be considered a “high compliance provider,” as set forth in Section 12(C)(1) of the proposed amendments. Western Sky Community Care recommends raising the threshold to 95% to “ensure that only high-compliant providers are eligible for specified covered benefits” (pg. 6, section (C)(1) comments). eviCore healthcare (eviCore) states that “patients should receive appropriate evidence-based care 100% of the time” (pg. 6, section (C)(1) comments) and references the law in West Virginia, which exempts providers from prior authorization requirements if they have a 100% approval rate for a certain service over a six-month period.

BCBSNM supports raising the approval threshold in Section 12(C)(1) to a rate that is meaningfully higher than 90%. The rate of 90% unduly focuses on provider convenience without due regard for patient impacts, especially when procedure volumes are considered. For example, at 90% and 1,000 procedures, 100 will be medically unnecessary. This translates to 100 patients being subjected to the inconvenience, cost, and health risks attendant all medical interventions to varying degrees and in this instance, interventions they did not need. A meaningfully higher approval rate would also incentivize providers to reduce their medically unnecessary procedures so that they will qualify as a high compliance provider and be eligible for alternate arrangements under the new rule.

BCBSNM recognizes that a 100% approval threshold may be too high. Dr. McAneny and her group, New Mexico Oncology Hematology Consultants (NMOHC), are well-regarded providers in our community. As stated in Dr. McAneny’s comments, NMOHC has an overall approval rate of 98% (pg.1, paragraph 3). This should be the gold standard approval rate to which other providers aspire and recommends raising the threshold approval rate in Section 12(C)(1) of the proposed rule accordingly.

BCBSNM looks forward to working with the OSI to implement any adopted amendments to the rule.

Sincerely,

A handwritten signature in black ink, appearing to read "Janice H. Torres".

Janice Torres, President