

New Mexico Pharmacies ONLY – Notice Regarding Provider Grievances

New Rules Regarding Provider Grievances Taking Effect January 1, 2023

General Background

The New Mexico Office of the Superintendent of Insurance has issued new rules going into effect on **January 1, 2023** pertaining to Provider Grievances and how carriers handle written grievances.

Consistent with these rules, providers (i.e. pharmacy/pharmacist) have the option to submit a written provider grievance if verbal communications are not able to resolve the provider's concern. Additionally, providers have the option to submit a written provider grievance in the following categories:

- Credentialing Deadlines
- Claim payment amount or timing
- Claim submission requirements or compliance
- Network adequacy, including participation determinations based on network composition
- Network composition including provider qualifications
- Utilization management practices
- Provider contract construction or compliance
- Patient care standards or access to care
- Surprise billing reimbursement amount, rate, or timing
- Operation of the plan including compliance with any law enforceable by the superintendent, or of any directive
- Discrimination
- Termination

What does this mean to you as a pharmacy?

New Mexico pharmacies can continue to submit their grievances through the current process with Prime. Should a pharmacy wish to submit a written provider grievance to Prime, please direct it to ProviderRelations@primetherapeutics.com.

For grievances relating to:

- Patient care standards or access to care
- Surprise billing reimbursement amount, rate, or timing; OR
- Operation of the plan including compliance with any law enforceable by the superintendent, or of any directive of the superintendent

Please reach out to the member's respective health plan for review and resolution of these grievances.



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If a provider has an issue regarding provider contract termination (whether for-cause or without cause), the provider should continue to follow the process outlined in the Prime Pharmacy Provider Manual (located under “Termination Appeals”).

For more information on the rules pertaining to Provider Grievances, please use the provided link: <https://www.srca.nm.gov/nmac/nmregister/xxxiii/13.10.16.html>.

How long do you have to submit a grievance?

A pharmacy will be able to submit a grievance within the timelines and policies established by Prime as well as applicable laws and regulations. New Mexico pharmacies can submit a grievance for at least 90 days from the incident that is the subject of the grievance.

If you are not satisfied with the outcome of your written grievance:

If a pharmacy is not satisfied with the outcome of the written grievance, the pharmacy has the option (after all internal grievance options have been exhausted) to submit an appeal to the New Mexico Office of the Superintendent of Insurance (NM OSI) within 30 days of receiving a response to the grievance from Prime OR the deadline for the response, whichever is earlier. NM OSI will only review an appeal that pertains to:

- (1) an alleged violation of a law enforceable by the superintendent;
- (2) alleged noncompliance with an order of the superintendent; or
- (3) a termination based on a provider’s alleged failure to comply with a law or order enforceable by the superintendent.

If a pharmacy is submitting an appeal to NM OSI, the pharmacy must include the following information:

- The provider’s name, license number, address, daytime telephone number, email address, and any relevant claim number(s);
- The name and phone number of the carrier;
- Certification that the grievance did not pertain to Medicaid or Medicare coverage, excluding Medicare supplement;
- A copy of the carrier’s written disposition of the grievance, or certification by the provider that the carrier did not issue a written disposition within the time allowed by law;
- The date the provider received the carrier’s written disposition of the grievance, or the date by which the carrier was required to provide a written disposition if no disposition was received; and
- A clear and concise statement of the issue on appeal, and the remedy requested on appeal.



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For all other issues outside the Provider Grievance process outlined in this Notice, please refer to Prime's Pharmacy Provider Manual for insight.

