

Statutory Authority to Perform Certification of QHPs and Oversee Issuers

The Division of Insurance, New Mexico Public Regulation Commission, operates under the Insurance Code, NMSA 1978 §59A-1-1 *et seq.* The Superintendent of Insurance is given broad powers to administer the Insurance Code:

59A-2-8. General powers, duties of superintendent. (1984)

The superintendent shall:

- A. organize and manage the insurance department and direct and supervise all its activities;
- B. execute the duties imposed upon him by the Insurance Code;
- C. enforce those provisions of the Insurance Code which are administered by him;
- D. have the powers and authority expressly conferred by or reasonably implied from the provisions of the Insurance Code;
- E. conduct such examinations and investigations of insurance matters, in addition to those expressly authorized, as he may deem proper upon reasonable and probable cause to determine whether any person has violated any provision of the Insurance Code or to secure information useful in the lawful enforcement or administration of any such provision; and
- F. have such additional powers and duties as may be provided by other laws of this state.

The powers and duties of the Superintendent of Insurance are outlined in Article 2 of this Chapter 59A. The Superintendent of Insurance is the sole state official with authority to implement and enforce law related to insurance in the State; §59A-2-1 reserves all power relating to the regulation of insurance to the DOI through the Commission, and 59A-2-8 gives the SOI all responsibility to implement the Code.

Statute link: <http://www.nmonesource.com/nmpublic/gateway.dll/?f=templates&fn=default.htm>