

Opinion No. 45-4766

August 3, 1945

BY: C. C. McCULLOH, Attorney General

TO: Mr. R. F. Apodaca Superintendent of Insurance State Corporation Commission
Santa Fe, New Mexico

{*116} We are in receipt of your letter of August 2, 1945 and the enclosed policy forms to be used by Hospital Service, Inc., doing business under Chapter 60, Article 10 of the 1941 Compilation. You ask our opinion as to whether this proposed policy which is commonly known as the Blue Cross Plan violates any of the sections of the law above cited.

Section 60-1001 provides that:

"Any corporation organized under the corporation laws of the State of New Mexico for the purpose of establishing, maintaining and operating a non-profit hospital service plan whereby hospital care may be provided by the said corporation or by a hospital with which it has a contract (and then sets out the eligible hospitals) * * * shall be governed by this article and shall be exempt from all other provisions of the insurance law of this state, unless specifically designated herein, not only in governmental relations with the state, but for every other purpose and no additions hereto hereinafter enacted shall apply to them unless they be expressly designated therein."

This article then goes on and provides for their incorporation, contracts, report, examination, etc. Nowhere does this article provide the form of policy that shall be used or in any way specifically regulate the doing of the business by such corporation.

Pursuant to Section 60-1003, provision is made that the rates charged by corporations subject to this act shall be subject to the approval of the Superintendent of Insurance, and that all rates of payments to hospitals made by such corporations pursuant to contracts provided for in this act shall be approved by the Superintendent of Insurance.

In view of the foregoing, it is my opinion that the Blue Cross Plan submitted does not violate any provisions of Chapter 60 Article 10 or any other provision of our law.

By ROBERT W. WARD,

Asst. Atty. General