

December 23, 1993

SUBJECT: INSURANCE

WITHDRAWN

Circular Letter No. 18 (1993)

TO: All Insurers Writing Individual and Small Group Accident and Health Insurance Contracts In New York State

RE: Deletion of Riders on Existing Contracts Subject to Chapter 501 of the Laws of 1992

It has come to our attention that many insurers are not deleting exclusion riders on existing Accident and Health Insurance Contracts sold to individuals and small groups.

Chapter 501 of the Laws of 1992, and Regulation 145 implementing this law, require insurers issuing individual and small group contracts to continuously open-enroll. Section 3232 4)(b) states that no pre-existing condition provision shall exclude coverage for a period in excess of 12 months following the effective date of coverage for the, covered person.

Since policy provisions may not be more restrictive than the statute, all exclusion riders must be deleted from contracts subject to Chapter 501. This Department requests that all insurers notify their insureds with exclusion riders on policies issued prior to April 1, 1993, that the riders are deleted and claims may be filed for expenses incurred after April 1, 1993, for conditions previously excluded

Please acknowledge receipt of this Circular Letter to:

Merline Smith, Associate Examiner

N.Y.S. Insurance Department

Consumer Services Bureau

Agency Building I, Empire State Plaza

Albany, NY 12257

Very truly yours,

Salvatore R. Curiale

Superintendent of Insurance