



STATE OF NEW YORK  
INSURANCE DEPARTMENT  
ONE COMMERCE PLAZA  
ALBANY, NEW YORK 12257

Eliot Spitzer  
Governor

Eric R. Dinallo  
Superintendent

**Circular Letter No. 12  
(2007)  
October 19, 2007**

**TO: All Insurers Licensed to Write Accident and Health Insurance in New York State,  
Article 43 Corporations and Health Maintenance Organizations (“HMOs”)**

**RE: Submission of Information for Loss Ratio Reports Filed Pursuant to Section  
3231(e)(2)(B) or Section 4308(h)(1) of the Insurance Law**

Many insurers have been submitting loss ratio reports aggregated for all policy forms pursuant to Insurance Law sections 3231(e)(2)(B) and 4308(h)(1). However, the Office of General Counsel has reviewed and revisited these provisions, and concluded that aggregate loss reports are not permitted by the plain terms of these statutes.

The Office of General Counsel has determined that every insurer or HMO that submits a loss ratio report pursuant to section 3231(e)(2)(B) or section 4308(h)(1) of the Insurance Law, as applicable, must do so “for each such policy form” or “for each such contract form” as specified in section 3231(e)(2)(B) or section 4308(h)(1), respectively.

Effective with the loss ratio reports due May 1, 2008, the submissions must set forth a separate loss ratio calculation for each policy or contract form for which a rate adjustment was made, as required by sections 3231(e)(2)(B) and 4308(h)(1), and may not be based on information aggregated for all policy forms. For the purpose of these reports, a “policy form” or “contract form” shall mean the health insurance contract form and all associated riders.

Any questions about this Circular Letter should be directed to the attention of:

Michel Laverdiere, FSA, MAAA  
Assistant Chief Actuary  
Health Bureau  
New York State Insurance Department  
25 Beaver Street  
New York, NY 10004  
(212) 480-5063  
[mlaverdi@ins.state.ny.us](mailto:mlaverdi@ins.state.ny.us)

Very truly yours,

---

Charles Rapacciuolo  
Assistant Deputy Superintendent &  
Chief, Health Bureau