

**NEW YORK STATE
DEPARTMENT OF FINANCIAL SERVICES
46TH AMENDMENT TO 11 NYCRR 52
(INSURANCE REGULATION 62)**

**MINIMUM STANDARDS FOR FORM, CONTENT AND SALE OF HEALTH INSURANCE,
INCLUDING STANDARDS OF FULL AND FAIR DISCLOSURE**

I, Maria T. Vullo, Superintendent of Financial Services, pursuant to the authority granted by Sections 202 and 302 of the Financial Services Law and Sections 301, 3201, 3217, 3221 and 4237 of the Insurance Law, do hereby promulgate, as an emergency measure, the following Forty-sixth Amendment to Part 52 of Title 11 of the Official Compilation of Codes, Rules, and Regulations of the State of New York (Insurance Regulation 62), to take effect upon filing with the Secretary of State, to read as follows:

(NEW MATTER UNDERSCORED, DELETED MATTER IN BRACKETS)

Subdivision (m) of section 52.23 is hereby amended to read as follows:

(m) No plan may contain a provision that its benefits are excess or always secondary to any plan except in [accord] accordance with this subdivision or subdivision (d) of this section. A contract as described in paragraph [(e)] (7) of subdivision (e) of this section or a blanket accident insurance policy issued in accordance with General Business Law section 1015.11 may contain a provision that its benefits are excess or always secondary to any plan.

**Statement of the Reasons for Emergency Measure
Forty-sixth Amendment to 11 NYCRR 52 (Insurance Regulation 62)**

Chapter 32 of the Laws of 2016 added a new Article 41 to the General Business Law (“GBL”) to authorize and regulate professional combative sports and professional wrestling in New York State. The legislation takes effect September 1, 2016. As part of this legislation, new GBL section 1015.11 requires every licensed promoter of authorized combative sports and professional wrestling to provide accident insurance for the protection of licensed professionals and wrestlers appearing in authorized combative sports matches or professional wrestling exhibitions on and after September 1, 2016. The minimum dollar amounts for the medical, surgical and hospital care benefits and the accidental death benefit included in the accident insurance are set forth in the legislation. The State Athletic Commission is also authorized to promulgate any rule or regulation necessary for the implementation of the legislation. The State Athletic Commission is repealing current 19 NYCRR 208 and promulgating a new Part 208 to 19 NYCRR. The new regulation includes a new section 208.15, which establishes the coverage requirements for the benefits included in the accident insurance provided pursuant to GBL section 1015.11. Pursuant to the State Athletic Commission regulation, the policy of accident insurance may be either primary or secondary to any other applicable insurance coverage held by the licensed professional or wrestler participant, and the policy shall so state which it is. Policies of accident insurance are subject to the approval of the Superintendent of Financial Services pursuant to Insurance Law section 3201. These policies are subject to the requirements of 11 NYCRR 52 (Insurance Regulation 62). In order for the accident insurance policy to be secondary to other coverage, an amendment to Insurance Regulation 62 is necessary.

A licensed promoter of authorized combative sports and professional wrestling must provide accident insurance that satisfies the requirements of GBL section 1015.11 and the regulations thereunder providing for the protection of licensed professionals and wrestlers appearing in authorized combative sports matches or professional wrestling exhibitions on and after September 1, 2016. In order to do that, insurers need sufficient time to develop policy forms and premium rates for the accident insurance and to submit the forms and rates to the Department of Financial Services for review and approval. To ensure the availability of the requisite accident insurance by September 1, 2016, it is necessary to promulgate this amendment on an emergency basis for the furtherance of the public health and general welfare.



Maria T. Vullo
Superintendent of Financial Services

Date: August 18, 2016



NEW YORK STATE
DEPARTMENT *of*
FINANCIAL SERVICES

Andrew M. Cuomo
Governor

Maria T. Vullo
Superintendent

I, Maria T. Vullo, Superintendent of Financial Services, do hereby certify that the foregoing is the Forty-sixth Amendment to Part 52 of Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Insurance Regulation 62), entitled “Minimum Standards for Form, Content and Sale of Health Insurance, including Standards of Full and Fair Disclosure” signed by me on August 18, 2016, pursuant to the authority granted by Financial Services Law Sections 202 and 302 and Insurance Law Sections 301, 3201, 3217, 3221 and 4237, to take effect upon filing with the Secretary of State of New York.

Pursuant to Section 202(6) of the State Administrative Procedure Act, the Forty-sixth Amendment to 11 NYCRR 52 (Insurance Regulation 62) is being promulgated as an emergency measure. A statement of the specific reasons for the finding of the need for emergency action is attached.

Maria T. Vullo
Superintendent of Financial Services

Date: August 18, 2016