

NEW YORK STATE
INSURANCE DEPARTMENT
THIRTY-FIFTH AMENDMENT TO REGULATION 62
(11 NYCRR 52)

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

I, Eric R. Dinallo, Superintendent of Insurance of the State of New York, pursuant to the authority granted by Sections 201, 301, 1109, 3201, 3216, 3217, 3221, 4235, 4303, 4304, 4305 and 4802 and Article 49 of the Insurance Law, do hereby promulgate the following Thirty-fifth Amendment to Part 52 of Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Regulation 62) to take effect upon publication in the State Register, to read as follows:

(Matter in brackets is deleted; new matter is underlined)

Paragraph (5) of subdivision (c) of Section 52.16 of Part 52 of Title 11 of the Official Compilation of Codes, Rules and Regulations is amended to read as follows:

(5) cosmetic surgery, except that *cosmetic surgery* shall not include reconstructive surgery when such service is incidental to or follows surgery resulting from trauma, infection or other diseases of the involved part, and reconstructive surgery because of congenital disease or anomaly of a covered dependent child which has resulted in a functional defect. However, if the policy provides hospital, surgical or medical expense coverage, including a policy issued by a health maintenance organization, then coverage and determinations with respect to cosmetic surgery must be provided pursuant to Part 56 of this Title (Regulation 183);

I, Eric R. Dinallo, Superintendent of Insurance of the State of New York, do hereby certify that the foregoing is a new Part 56 of Title 11 of the Official Compilation of Codes, Rules and Regulations (Regulation 183), entitled "Minimum Standards for the Form, Content, and Sale of Health Insurance, Including Standards for Fair and Full Disclosure," promulgated by me on October 18, 2007, pursuant to the authority granted by 201, 301, 1109, 3201, 3216, 3217, 3221, 4235, 4303, 4304, 4305 and 4802 and Article 49 of the Insurance Law, to take effect upon publication in the State Register.

Pursuant to the provisions of the State Administrative Procedure Act, prior notice of the proposed amendment was published in the State Register on August 15, 2007. No other publication or prior notice is required by statute.

Eric R. Dinallo
Superintendent of Insurance

October 18, 2007