

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

MINIMUM STANDARDS FOR THE FORM, CONTENT AND SALE OF HEALTH
INSURANCE, INCLUDING STANDARDS FOR 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, 3103, 3201, 3217, 3221, 4235, 4303, 4305, and 4308 of the Insurance Law of the State of New York, do hereby promulgate the following Thirty-Eighth amendment to Part 52 of Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Regulation No. 62) to take effect upon publication in the State Register, to read as follows:

Subdivision (d) of section 52.70 of Part 52 of Title 11 of the Official Compilation of Codes, Rules and Regulations is amended by adding a new paragraph (9) to read as follows:

(9) Every insurer issuing school blanket insurance policies pursuant to Insurance Law section 3221 shall send written notice of the enactment of Chapter 748 of the Laws of 2006 (commonly referred to as “Timothy’s Law”) to all affected policyholders, certificateholders and members. If permitted by the school blanket policy, insurers may provide notice to the group policyholder for distribution to individual certificateholders but shall be responsible for providing the notice. The notice shall be provided no later than February 15, 2007. The notice shall:

- (i) describe the key features of the benefits required under Chapter 748 of the Laws of 2006;
- (ii) state that a formal contract or certificate amendment shall be forthcoming that will explain the new benefits in greater detail;
- (iii) provide a toll-free customer service telephone number that insureds may call to contact the insurer with questions concerning the new law; and
- (iv) advise the policyholders that their premiums may be adjusted.

Subdivision (e) of Section 52.70 of Part 52 of Title 11 of the Official Compilation of Codes, Rules and Regulations is amended by adding a new paragraph (5) to read as follows:

(5) Every insurer, Article 43 corporation and health maintenance organization (“HMO”) shall send written notice of the enactment of Chapter 748 of the Laws of 2006 to all affected group policyholders, certificateholders, and members. If permitted by the group contract, an insurer, Article 43 corporation or HMO may provide notice to the group policyholder for distribution to individual certificateholders and members, but such insurer, Article 43 corporation or HMO ultimately shall be responsible for providing the notice. The notice shall be provided no later than February 15, 2007. The notice shall:

- (i) describe the key features of the benefits required pursuant to Chapter 748 of the Laws of 2006;
- (ii) state that a formal contract or certificate amendment will be forthcoming that will explain the new benefits in greater detail;

(iii) provide a toll-free customer service telephone number that insureds may call to contact the insurer, Article 43 corporation, or HMO with questions concerning the new law; and
(iv) advise the policyholders that their premiums may be adjusted.

I, ERIC R. DINALLO, Superintendent of Insurance of the State of New York, do hereby certify that the foregoing Thirty-Eighth Amendment to 11 NYCRR Part 52 (Regulation 62) was duly adopted by me on this day pursuant to the authority granted by Sections 201, 301, 1109, 3103, 3201, 3217, 3221, 4235, 4303, 4305 and 4308 of the Insurance Law of the State of New York, 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 December 5, 2007. No other publication or prior notice is required by statute.

Eric R. Dinallo
Superintendent of Insurance

February 15 , 2008