

INSURANCE DEPARTMENT OF THE STATE OF NEW YORK  
7th AMENDMENT TO REGULATION NO. 145  
(11 NYCRR 360)

RULES TO ASSURE AN ORDERLY IMPLEMENTATION OF ONGOING OPERATION OF OPEN  
ENROLLMENT AND COMMUNITY RATING OF INDIVIDUAL AND SMALL GROUP HEALTH  
INSURANCE

I, James J. Wrynn, Superintendent of Insurance of the State of New York, pursuant to the authority granted by the federal Social Security Act (42 U.S.C. section 1395ss) and by Sections 201, 301, 3201, 3216, 3217, 3218, 3221, 3231, 3232, and 4235, and Article 43 of the Insurance Law, do hereby promulgate the following 7<sup>th</sup> amendment to Part 360 of Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Regulation No. 145), to take effect upon publication in the State Register.

(NEW MATTER UNDERLINED; DELETED MATTER IN BRACKETS)

Subdivision (e) of section 360.4 is amended to read as follows:

(e) The provisions of chapter 501 of the Laws of 1992 shall not apply to individual policies [which] that are guaranteed renewable, as that term is defined in sections 52.17(a)(5) or (6) and [52.22(b)(1) of Part 52] 58.1(b)(1) of this Title and to individual noncancellable policies [which] that are delivered or issued for delivery prior to February 1, 1993, unless such policies are issued by the insurer on or after said date.

Subparagraph (iii) of paragraph (1) of subdivision (a) of section 360.10 is amended to read as follows:

(iii) all policies [which] that are guaranteed renewable, as that term is defined in sections 52.17(a)(5) or (6) and [52.22(b)(1)] 58.1(b)(1) of this Title issued on or after February 1, 1993, including previously issued policies on such forms issued as guaranteed renewable; and

I, James J. Wrynn, Superintendent of Insurance of the State of New York, do hereby certify that the foregoing is the Seventh Amendment to Part 360 (Regulation No. 145) promulgated by me on April 19, 2010, pursuant to the authority granted by the federal Social Security Act (42 U.S.C. section 1395ss) and by Sections 201, 301, 3201, 3216, 3217, 3218, 3221, 3231, 3232, and 4235, and Article 43 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 regulation was published in the State Register on February 24, 2010. No other publication or prior notice is required by statute.

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James J. Wrynn  
Superintendent of Insurance

April 19, 2010

