

INSURANCE DEPARTMENT OF THE STATE OF NEW YORK  
6th AMENDMENT TO REGULATION NO. 146  
(11 NYCRR 361)

ESTABLISHMENT AND OPERATION OF MARKET STABILIZATION MECHANISMS FOR  
INDIVIDUAL AND SMALL GROUP HEALTH INSURANCE AND MEDICARE SUPPLEMENT  
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 amendment to Part 361 of Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Regulation No. 146), to take effect upon publication in the State Register.

(NEW MATTER UNDERLINED; DELETED MATTER IN BRACKETS)

Paragraph (4) of subdivision (m) of section 361.2 is amended to read as follows:

(4) Individual health insurance policies [which] that are guaranteed renewable and noncancellable individual health insurance policies, as those terms are defined in sections 52.17(a)(5) or (6), and [52.22(b)(1)] 58.1(b)(1) of this Title, which guaranteed renewable and/or noncancellable policies were delivered or issued for delivery prior to February 1, 1993, provided no such policies of this form were issued by the insurer on or after February 1, 1993. All such policies of a form issued on or after February 1, 1993 are included under pooled insurance, regardless of their date of issue or delivery.

I, James J. Wrynn, Superintendent of Insurance of the State of New York, do hereby certify that the foregoing is the Sixth Amendment to Part 361 of Title 11 (Regulation No. 146) 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

