

**NEW YORK STATE
DEPARTMENT OF FINANCIAL SERVICES
FOURTH AMENDMENT TO INSURANCE REGULATION 171
(11 NYCRR 362)**

THE HEALTHY NEW YORK PROGRAM

I, Benjamin M. Lawskey, Superintendent of Financial Services, pursuant to the authority granted by Sections 202, 301 and 302 of the Financial Services Law, and Sections 301, 1109, 3201, 3216, 3217, 3221, 4235, 4303, 4304, 4305, 4326, and 4327 of the Insurance Law, do hereby promulgate the following Fourth Amendment to Part 362 of Title 11 of the Official Compilation of Codes, Rules and Regulations (Insurance Regulation 171), to take effect upon publication in the State Register, to read as follows:

ALL NEW MATTER

A new section 362-2.9 is added to read as follows:

§ 362-2.9 Healthy New York Enrollment Limitation

(a) With respect to coverage effective on or after January 1, 2012, a health maintenance organization or a participating insurer may enroll new applicants in the Healthy New York Program only in the high deductible health plans set forth in section 362-2.8 of this Part.

(b) With respect to existing enrollees who are in non-high deductible health plans with coverage effective prior to January 1, 2012, a health maintenance organization or a participating insurer shall:

(1) permit qualifying individuals to add dependents to or remove dependents from their qualifying health insurance contracts; and

(2) permit qualifying small employers to add employees and dependents to or remove employees and dependents from their qualifying health insurance contracts.

(c) A health maintenance organization or participating insurer shall permit qualifying individuals and qualifying employers enrolled in non-high deductible plans to change their benefit packages to other non-high deductible plans with the same health maintenance organization or participating insurer at the time of annual recertification or a change in the premium rate.