

**STATE OF NEW YORK
DEPARTMENT OF FINANCIAL SERVICES
ELEVENTH AMENDMENT TO INSURANCE REGULATION 172
(11 NYCRR 83)**

FINANCIAL STATEMENT FILINGS AND ACCOUNTING PRACTICES AND PROCEDURES

I, Benjamin M. Lawskey, Superintendent of Financial Services, pursuant to the authority granted by Sections 202 and 302 of the Financial Services Law; Sections 107(a)(2), 301, 307, 308, 1109, 1301, 1302, 1308, 1404, 1405, 1407, 1411, 1414, 1501, 1505, 3233, 4117, 4233, 4239, 4301, 4310, 4321-a, 4322-a, 4327 and 6404 of the Insurance Law; Sections 4403, 4403-a, 4403-c(12) and 4408-a of the Public Health Law; and Chapter 599 of the Laws of 2002 and Chapter 311 of the Laws of 2008, do hereby promulgate the Eleventh Amendment to Part 83 of Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Insurance Regulation 172) to take effect upon publication in the State Register to read as follows:

(NEW MATTER UNDERSCORED, DELETED MATTER IN BRACKETS)

Subdivision (c) of section 83.2 is amended to read as follows:

(c) To assist in the completion of the financial statements, the NAIC also adopts and publishes from time to time certain policy, procedures and instruction manuals. The latest of these manuals, the Accounting Practices and Procedures Manual as of March [2013] 2014 * (accounting manual) includes a body of accounting guidelines referred to as statements of statutory accounting principles (SSAPs). The accounting manual shall be used in the preparation of quarterly statements and the annual statement for [2013] 2014, which will be filed in [2014] 2015.

Subdivisions (b) and (i) of section 83.4 are amended to read as follows:

(b) The guidance prescribed in paragraph [8] 9 of SSAP No. [10R] 101, "Income Taxes," is not adopted. A refund due from the Treasury should be collectible within a brief period after the statement date, in order to be considered an admitted asset. A balance due as a result of participation in a consolidated tax return should be paid over promptly by the parent. An open account or promissory note from the parent would not be an admissible asset, and may violate the provisions of section 1407(a)(4) of the Insurance Law. For financial statements required to be filed for periods ending [on or] after [December 31, 2009] January 1, 2012, the calculation of adjusted gross deferred tax assets as admitted assets shall be made in accordance with SSAP No. [10R] 101.

(i) Paragraph 5 of SSAP No. 35 "Guaranty Fund and Other Assessments" is adopted with the following addition:

The following shall be admitted assets of article 43 corporations, Public Health Law article 44 health maintenance organizations, integrated delivery systems, prepaid health services plans and comprehensive HIV special needs plans with or without notification of refund or payment:

[(i)] (1) estimated market stabilization reinsurance or pooling recoverables under section 3233 of the Insurance Law;

[(ii)] (2) estimated stop-loss recoverables under sections 4321-a, 4322-a and 4327 of the Insurance Law;
and

[(iii)] (3) estimated reinsurance recoverables under the Department of Health New York State Medicaid Managed Care Reinsurance Program.

* ACCOUNTING PRACTICES AND PROCEDURES MANUAL AS OF MARCH [2013] 2014. © Copyright 1999 – [2013] 2014 by National Association of Insurance Commissioners, in Kansas City, Missouri.



NEW YORK STATE
DEPARTMENT *of*
FINANCIAL SERVICES

Andrew M. Cuomo
Governor

Benjamin M. Lawsky
Superintendent

I, Benjamin M. Lawsky, Superintendent of Financial Services, do hereby certify that the foregoing is the Eleventh Amendment to Part 83 of Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Insurance Regulation 172), promulgated by me on October 30, 2014, pursuant to the authority granted by Sections 202 and 302 of the Financial Services Law; Sections 107(a)(2), 301, 307, 308, 1109, 1301, 1302, 1308, 1404, 1405, 1407, 1411, 1414, 1501, 1505, 3233, 4117, 4233, 4239, 4301, 4310, 4321-a, 4322-a, 4327 and 6404 of the Insurance Law; Sections 4403, 4403-a, 4403-c(12) and 4408-a of the Public Health Law; and Chapter 599 of the Laws of 2002 and Chapter 311 of the Laws of 2008, to take effect upon publication in the State Register.

Pursuant to the provisions in the State Administrative Procedure Act, prior notice of the proposed regulation was published in the State Register on December 24, 2013. No other publication or prior notice is required by statute.

A handwritten signature in black ink, appearing to read "B. Lawsky", written over a horizontal line.

Benjamin M. Lawsky
Superintendent of Financial Services

Date: October 30, 2014