

**NEW YORK STATE
DEPARTMENT OF FINANCIAL SERVICES
SECOND AMENDMENT TO 11 NYCRR 101
(INSURANCE REGULATION 164)**

**STANDARDS FOR FINANCIAL RISK TRANSFER BETWEEN INSURERS
AND HEALTH CARE PROVIDERS**

I, Maria T. Vullo, Superintendent of Financial Services, pursuant to the authority granted by Sections 202 and 302 of the Financial Services Law, Sections 301, 1102, 1109, Articles 32, 41, 42 and 43 of the Insurance Law, and Article 29-E and Section 4403(1)(c) of the Public Health Law, do hereby promulgate the following Second Amendment to Part 101 of title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Insurance Regulation 164), to take effect thirty days after publication in the State Register, to read as follows:

(NEW MATTER IS UNDERSCORED; MATTER IN BRACKETS IS DELETED)

Section 101.3(h) and (i) are amended to read as follows:

(h) [An] The term *insurer* shall mean an insurance company licensed to do accident and health insurance in this state, a corporation licensed pursuant to article 43 of the Insurance Law or an entity possessing a certificate of authority under article 44 of the Public Health Law.

(i) The term *intermediary entity* shall mean a person or entity [which] that enters into a financial risk transfer agreement with one or more insurers, and [who] that contracts with one or more participating providers to perform the services [which] that are set forth in the financial risk transfer agreement. The term shall include an accountable care organization as defined in 10 NYCRR Part 1003. When the insurer is an entity certified pursuant to article 44 of the Public Health Law, the term shall also mean an [Independent Practice Association] independent practice association as defined in 10 NYCRR Part 98.



NEW YORK STATE
DEPARTMENT *of*
FINANCIAL SERVICES

Andrew M. Cuomo
Governor

Maria T. Vullo
Superintendent

I, Maria T. Vullo, Superintendent of Financial Services, do hereby certify that the foregoing is the Second Amendment to Part 101 of title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Insurance Regulation 164) signed by me on September 6, 2017 pursuant to the authority granted by Sections 202 and 302 of the Financial Services Law, Sections 301, 1102, and 1109, and Articles 32, 41, 42 and 43 of the Insurance Law, and Article 29-E and Section 4403(1)(c) of the Public Health Law, to take effect 30 days after publication in the State Register.

Pursuant to the provisions of the State Administrative Procedure Act, prior notice of the proposed rule was published in the State Register on May 3, 2017. No other publication or prior notice is required by statute.

A handwritten signature in black ink, appearing to read "Maria T. Vullo".

Maria T. Vullo
Superintendent of Financial Services

Date: September 6, 2017