

**NEW YORK STATE  
DEPARTMENT OF FINANCIAL SERVICES  
FIFTY-FIRST AMENDMENT TO 11 NYCRR 52  
(INSURANCE REGULATION 62)**

**MINIMUM STANDARDS FOR FORM, CONTENT AND SALE OF HEALTH INSURANCE,  
INCLUDING STANDARDS OF FULL AND FAIR DISCLOSURE**

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, 3201, 3217, 3221 and 4237 of the Insurance Law and Section 205-cc of the General Municipal Law, do hereby promulgate the following Fifty-First Amendment to Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York, to take effect upon publication of the notice of adoption in the New York State Register, to read as follows:

**(MATTER IN BRACKETS IS DELETED; MATTER UNDERLINED IS NEW)**

**Section 52.16(a) is amended to read as follows:**

(a) No policy or certificate shall provide benefits for specified diseases, or for procedures or treatments unique to specified diseases, and no policy or certificate shall provide additional benefits for such specified diseases or procedures, unless the policy or certificate meets the standards set forth in section 52.15 or section 52.22 of this [part] Part.

**Section 52.18(d) is amended by adding a new paragraph (3) to read as follows:**

(3) No group or blanket policy of accident and health insurance may offset the payment of benefits thereunder by benefits provided pursuant to General Municipal Law section 205-cc.

**A new section 52.22 is added to read as follows:**

**Section 52.22 Volunteer firefighter enhanced cancer insurance.**

(a) General Municipal Law section 205-cc requires every legally organized fire district, department or company in this state to provide and maintain for each eligible volunteer firefighter an enhanced cancer disability benefit insurance program. The law requires the Division of Homeland Security and Emergency Services' Office of Fire Prevention and Control to promulgate regulations, in consultation with the Department of Financial Services and the Workers' Compensation Board, to implement General Municipal Law section 205-cc. Those regulations are contained in 9 NYCRR 210. This section establishes the minimum requirements for policies issued in satisfaction of those requirements.

(b) Definitions. As used in this section:

(1) Active volunteer firefighter shall have the meaning set forth in 9 NYCRR 210.

(2) Cancer means a disease caused by an uncontrolled division of abnormal cells in a part of the body or a malignant growth or tumor resulting from the division of abnormal cells affecting the prostate or breast, lymphatic, hematological, digestive, urinary, neurological, or reproductive systems, or melanoma.

(3) Insured firefighter means a volunteer firefighter covered under the policy and who meets the eligibility requirements for coverage set forth in 9 NYCRR 210.

(4) Total disability shall have the meaning set forth in 9 NYCRR 210.

(5) Volunteer firefighter enhanced cancer insurance means a blanket insurance policy or certificate that provides cancer benefits to volunteer firefighters in accordance with General Municipal Law section 205-cc.

(c) General Rules.

(1) A volunteer firefighter enhanced cancer insurance policy or certificate issued in satisfaction of the requirements of General Municipal Law section 205-cc shall be clearly labeled as “volunteer firefighter enhanced cancer insurance.” An insurer shall issue a policy of volunteer firefighter enhanced cancer insurance only as a stand-alone policy and shall not issue the coverage combined or offered in conjunction with any other insurance.

(2) Every volunteer firefighter enhanced cancer insurance policy or certificate shall conspicuously set forth the following statement on the first page of the policy or certificate in boldface type: “This is a limited policy (or certificate). It pays benefits only for specific losses from cancer. Read it carefully.”

(3) An insurer may not impose any preexisting condition limitation or exclusion on coverage for an insured firefighter.

(4) Benefits shall be payable under the policy without regard to other coverage except:

(i) benefits shall not be payable if the insured is already provided paid firefighter benefits under General Municipal Law Article 10; and

(ii) the monthly disability benefit provided pursuant to subdivision (d)(1)(iii) of this section shall be secondary to disability benefits from any other source (other than individual disability income insurance purchased by the insured firefighter) such as group or blanket disability, Social Security disability or workers’ compensation benefits. Where the policy is secondary, benefits shall be limited to the difference between the amount paid from the other source and the benefit specified in the policy.

(5) The policy shall comport with the claims process requirements provided in 9 NYCRR 210.

(6) The exclusions in section 52.16(c) of this Part shall not be applicable to this coverage. A claim for benefits may be denied only for the reasons set forth in 9 NYCRR 210.

(7) Conditions for nonrenewal or termination by the insurer shall be fully set forth in the policy. Notices of nonrenewal or termination shall provide for at least 60 days’ prior written notice to the policyholder.

(8) Any change in premium rates shall be subject to the prior approval of the superintendent. The insurer shall provide each policyholder with at least 60 days' prior written notice before implementing an approved rate adjustment.

(d) Benefits.

(1) In accordance with General Municipal Law section 205-cc, every volunteer firefighter enhanced cancer insurance policy shall include each of the following benefits:

(i) A lump sum benefit of \$25,000 for each diagnosis payable to the insured firefighter upon acceptable proof to the insurer of a diagnosis by a board-certified physician in the medical specialty appropriate for the type of cancer diagnosed that there are one or more malignant tumors characterized by the uncontrollable and abnormal growth and spread of malignant cells with invasion of normal tissue and that either:

(a) there is metastasis; and

(1) surgery, radiotherapy, or chemotherapy is medically necessary; or

(2) there is a tumor of the prostate, provided that it is treated with radical prostatectomy or external beam therapy; or

(b) the insured firefighter has terminal cancer, the firefighter's life expectancy is 24 months or less from the date of diagnosis, and will not benefit from, or has exhausted, curative therapy.

(ii) A lump sum benefit of \$6,250 for each diagnosis payable to the insured firefighter upon acceptable proof to the insurer of a diagnosis by a board-certified physician in the medical specialty appropriate for the type of cancer involved that either:

(a) there is carcinoma in situ such that surgery, radiotherapy, or chemotherapy has been determined to be medically necessary;

(b) there are malignant tumors that are treated by endoscopic procedures alone; or

(c) there are malignant melanomas.

(iii) A monthly benefit of \$1,500, of which the first payment shall be made six months after total disability and submission of acceptable proof of such disability to the insurer that the disability is caused by cancer and that such cancer precludes the insured firefighter from serving as a firefighter. Such benefit shall continue for up to 36 consecutive monthly payments.

(a) Any insured firefighter receiving such monthly benefits may be required to have his or her condition reevaluated. In the event any such reevaluation reveals that the insured firefighter has regained the ability to perform duties as a firefighter, then his or her monthly benefits shall cease the last day of the month of reevaluation.

(b) In the event that there is a subsequent reoccurrence of a disability caused by cancer that precludes the insured firefighter from serving as a firefighter, he or she shall be entitled to receive any remaining monthly payments.

(iv) A death benefit in the amount of \$50,000 that is payable to the insured firefighter or his or her beneficiary upon acceptable proof by a board-certified physician that the insured firefighter's death resulted from complications associated with cancer.

(2) The combined total of all lump sum benefits received during an insured firefighter's lifetime pursuant to subparagraphs (i) and (ii) of paragraph (1) of this subdivision shall not exceed \$50,000.

(3) An insured firefighter shall remain eligible for the benefits in subparagraphs (i), (ii) and (iv) of paragraph (1) of this subdivision for 60 months after the formal cessation of the insured firefighter's status as an active volunteer firefighter.

(4) Any policy that conditions payment upon pathological diagnosis of a covered cancer shall also provide that if such a pathological diagnosis is medically inappropriate, a clinical diagnosis will be accepted in lieu thereof. Any type of medically appropriate diagnosis shall be accepted.

**A new subdivision 52.45(k) is added to read as follows:**

(k) *Volunteer firefighter enhanced cancer insurance.* The minimum loss ratio for volunteer firefighter enhanced cancer insurance shall be 75 percent.



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 Fifty-First Amendment to Part 52 of Official Compilation of Codes, Rules and Regulations of the State of New York (Insurance Regulation 62), signed by me on October 16, 2018, pursuant to the authority granted by Sections 202 and 302 of the Financial Services Law, Sections 301, 3201, 3217, 3221 and 4237 of the Insurance Law, and Section 205-cc of the General Municipal Law, to take effect upon publication of the notice of adoption in the New York State Register.

Pursuant to the provisions of the State Administrative Procedure Act, prior notice of the proposed rule was published in the New York State Register on June 20, 2018. No other publication or prior notice is required by statute.

A handwritten signature in blue ink, appearing to read "Maria T. Vullo", written over a horizontal line.

Maria T. Vullo  
Superintendent of Financial Services

Date: October 16, 2018