

**NEW YORK STATE
DEPARTMENT OF FINANCIAL SERVICES
SIXTY-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, Adrienne A. Harris, Superintendent of Financial Services of the State of New York, pursuant to the authority granted by Sections 202 and 302 of the Financial Services Law and Sections 301, 3216, 3217, 3221, and 4303 of the Insurance Law, do hereby promulgate the Sixty-First Amendment to Part 52 of Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Insurance Regulation 62), to take effect upon the filing of the Notice of Emergency Adoption with the Secretary of State, to read as follows:

(ALL MATERIAL IS NEW)

A new section 52.76(b) is added as follows:

(b)(1) Except as provided in paragraph (2) of this subdivision, a policy that provides hospital, surgical, or medical care coverage shall cover coronavirus disease 2019 (COVID-19) immunizations, and the administration thereof, immediately upon the earliest of the date on which: (i) the advisory committee on immunization practices of the federal centers for disease control issues a recommendation for the COVID-19 immunization; (ii) the United States preventive services task force issues a recommendation with an “A” or “B” rating for the COVID-19 immunization; or (iii) the superintendent determines, in consultation with the commissioner of health, that a policy shall cover the COVID-19 immunization. COVID-19 immunizations, and administration thereof, including any visits necessary to obtain the immunizations, administered at a provider’s office, facility, pharmacy, or other setting, including any provider or location authorized by this State or the federal government to administer or host the administration of the immunization, shall not be subject to annual deductibles, coinsurance, copayments, or any other out-of-pocket cost.

(2) The coverage required under paragraph (1) of this subdivision shall not be limited to COVID-19 immunizations, and the administration thereof, administered by participating providers and shall apply to such immunizations, and the administration thereof, administered by non-participating providers until the expiration of the federally declared public health emergency.

**Statement of the Reasons for the Emergency Measure
Sixty-First Amendment to 11 NYCRR 52
(Insurance Regulation 62)**

According to the Center for Disease Control and Prevention (“CDC”), as of August of this year, “COVID-19 has caused more than 1,030,000 deaths in the United States since the start of the pandemic and was the third leading cause of death in 2020 and 2021.” The CDC also states that “COVID-19 vaccines available in the United States are effective at protecting people—especially those who are boosted—from getting seriously ill, being hospitalized, and even dying. Because COVID-19 vaccines are readily available, the nation is closer than ever to ending the COVID-19 pandemic in the United States.”

While the percentage of New Yorkers aged 18 and older who have completed the COVID-19 vaccine series is more than 88%, the percentage of New Yorkers eligible for, but who have not received the booster vaccine, remains high—46.6% of eligible New Yorkers have not received a booster vaccine. The CDC recommends booster vaccines for most people to enhance or restore protection that may have waned over time after the primary vaccines were given. The CDC states that “boosters are an important part of protecting yourself from getting seriously ill or dying from COVID-19.”

It is essential that New Yorkers have coverage for COVID-19 immunizations and the administration thereof, including any visits necessary to obtain the immunization, so that there are no barriers for New Yorkers to expeditiously obtain the immunizations.

This amendment requires authorized insurers and health maintenance organizations that issue a policy or contract that provides hospital, surgical, or medical care coverage, excluding grandfathered health plans, to provide coverage, with no cost-sharing, of COVID-19 immunizations and the administration thereof immediately upon the earliest of the date on which: (1) the Centers for Disease Control and Prevention’s Advisory Committee on Immunization Practices issues a recommendation for the COVID-19 immunization; (2) the United States Preventive Services Taskforce issues a recommendation with an “A” or “B” rating for the COVID-19 immunization; or (3) the Superintendent of Financial Services (“Superintendent”) determines, in consultation with the Commissioner of Health, that a policy or contract must cover the COVID-19 immunization.

Given the public health implications of COVID-19, it is essential that there are no barriers to New Yorkers accessing COVID-19 immunizations. Failure to ensure coverage of COVID-19 immunizations and the administration thereof could jeopardize the health and safety of the people of New York. Accordingly, it is imperative that this amendment be promulgated on an emergency basis for the preservation of the public health.



Adrienne A. Harris
Superintendent of Financial Services

Date: September 9, 2022



KATHY HOCHUL
Governor

ADRIENNE A. HARRIS
Superintendent

CERTIFICATION

I, Adrienne A. Harris, Superintendent of Financial Services, do hereby certify that the foregoing is the Sixty-First Amendment to Part 52 of Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Insurance Regulation 62), entitled “Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure,” signed by me on September 9, 2022, pursuant to the authority granted by Sections 202 and 302 of the Financial Services Law and Sections 301, 3216, 3217, 3221, and 4303 of the Insurance Law, to take effect upon filing of the Notice of Emergency Adoption with the Secretary of State.

Pursuant to Section 202(6) of the State Administrative Procedure Act, the Sixty-First Amendment to 11 NYCRR 52 (Insurance Regulation 62) is being promulgated as an emergency measure. A statement of the specific reasons for the finding of the need for emergency action is attached.

Adrienne A. Harris
Superintendent of Financial Services

Date: September 9, 2022