

Executive Order No. 17 Local Government Mandate Evaluation Impact on Local Government and Property Taxpayers

Submitting Agency: Department of Financial Services

NYCRR Citation: 11 NYCRR 52 (Insurance Regulation 62), Proposed Sixty-Seventh Amendment

Description of the Regulation: Minimum Standards for the Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure

The proposed amendment would require insurers licensed to write accident and health insurance in New York State, corporations organized pursuant to Insurance Law Article 43, health maintenance organizations certified pursuant to Public Health Law Article 44, and student health plans certified pursuant to Insurance Law Section 1124 to ask applicants applying for, or insureds currently insured under, a comprehensive health insurance policy questions regarding their race, ethnicity, preferred language, sexual orientation, and gender identity or expression to help the Department of Financial Services identify and address health equity disparities.

Statutory Authority for the Regulation: Financial Services Law sections 202, 301, and 302 and Insurance Law sections 301, 308, 316, 1124, 3216, 3217, 3221, 4235, 4237, 4303, and 4305.

Agency Contact: Joel Dankwa

Telephone: (212) 480-7709

Email: healthregcomments@dfs.ny.gov

1. Does the regulation impose a mandate on a county, city, town, village, school district or special district that requires such entity to:
 - a. Provide or undertake any program, project or activity;

Yes No
 - b. Increase spending for an existing program, project or activity (even if such program, project or activity is voluntarily undertaken by a local government unit);

Yes No
 - c. Grant any new property tax exemption, or broaden the eligibility or increase the value of any existing property tax exemption; or

Yes No
 - d. Carry out a legal requirement that would likely have the effect of raising property taxes.

Yes No

If the answers to all questions above are “no,” ensuring the regulation will not result in a mandate on local governments and property taxpayers, no further information is required. If the answer to any question above is “yes,” and the regulation may have a fiscal impact on local governments and property taxpayers, please proceed to items 2 – 3.

2. Is the mandate required by federal law or regulation or state law?

Yes

No

- a. If yes, please cite the specific provision in the statute or federal regulation.**
- b. If yes, please describe any elements of the regulation not specifically mandated by the statute or regulation.**

3. If any portion of the mandate is not required by federal or state law, please attach to this Checklist an Accounting for such portion containing:*

- a. A description of the mandate in the regulation;**
- b. An accounting of the impacts of such mandate that includes:**
 - (i) A fiscal impact statement;**
 - (ii) A cost-benefit analysis, which includes:**
 - (x) a specific delineation of the costs and benefits to local governments and property taxpayers; and**
 - (y) a quantification of the impact on local government revenue and expenditures, where such impact is quantifiable based on available information (please consult with the Regulatory Review Unit if further guidance is needed);**
- c. A description of input sought and received from affected local governments;**
- d. A description of the proposed revenue sources to fund such mandate; and**
- e. An explanation as to why this regulation should be advanced with a mandate.**

*Note: The “Regulatory and Flexibility Analysis for Small Businesses and Local Governments” may be attached so long as the items set forth in 3 above are fully accounted for in the Analysis.