S T A T E O F N E W Y O R K

1031--B

Cal. No. 86

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. KLEIN, KRUEGER, MONTGOMERY, SAVINO, SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the insurance law, in relation to allowing victims of domestic violence the opportunity to designate an alternate address for health insurance claims or billing purposes

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subsection (e) of section 2612 of the insurance law, as amended by chapter 361 of the laws of 2006, is amended and a new subsection (h) is added to read as follows:

(e) An insurer that complies with subsections (a), (f) [and], (g) AND (H) of this section and acts reasonably and in good faith shall not be subject to civil or criminal liability on account of compliance with such subsections.

(H) NOTWITHSTANDING THE DEFINITIONS ESTABLISHED IN PARAGRAPHS TWO AND THREE OF SUBSECTION (C) OF THIS SECTION, EVERY INSURER, CORPORATION, ORGANIZATION AND PROVIDER WHICH ISSUES A POLICY OR CONTRACT WHICH PROVIDES COVERAGE FOR HOSPITAL, SURGICAL OR MEDICAL COVERAGE, OR SIMILAR COMPREHENSIVE TYPE COVERAGE, PURSUANT TO ARTICLE THIRTY-TWO OR FORTY-THREE OF THIS CHAPTER OR ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW, SHALL PROVIDE ANY INSURED, SUBSCRIBER OR COVERED PERSON WHO IS A VICTIM OF DOMESTIC VIOLENCE, UPON WRITTEN REQUEST OF SUCH INSURED, SUBSCRIBER OR COVERED PERSON, WITH THE OPTION TO DESIGNATE AN ALTERNATIVE MAILING ADDRESS, TELEPHONE NUMBER OR OTHER CONTACT INFORMATION FOR THE PURPOSE OF RECEIVING SPECIFIC CLAIM INFORMATION OR FOR SPECIFIC

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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BILLING PURPOSES RELATING SPECIFICALLY TO SUCH INSURED, SUBSCRIBER OR COVERED PERSON. SUCH REQUESTED DESIGNATION SHALL BE GRANTED UPON THE WRITTEN ATTESTATION OF THE INSURED, SUBSCRIBER OR COVERED PERSON THAT HE OR SHE IS A VICTIM OF DOMESTIC VIOLENCE AND THE DISCLOSURE OF SUCH INFORMATION WOULD ENDANGER HIM OR HER. IF A CHILD IS THE COVERED PERSON, THE RIGHT ESTABLISHED BY THIS SUBSECTION MAY BE ASSERTED BY, AND SHALL EXTEND TO, THE PARENT OR GUARDIAN OF THE CHILD. THE SUPERINTENDENT MAY PROMULGATE RULES TO GUIDE AND ENABLE SUCH INSURERS, CORPORATIONS, ORGANIZATIONS AND PROVIDERS TO GUARD AGAINST THE DISCLOSURE OF THE ADDRESS AND LOCATION OF AN INSURED, SUBSCRIBER OR COVERED PERSON WHO IS THE VICTIM OF DOMESTIC VIOLENCE.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.