

STATE OF NEW YORK

2330--A

Cal. No. 346

2023-2024 Regular Sessions

IN SENATE

January 19, 2023

Introduced by Sen. MAYER -- 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, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the insurance law, in relation to requiring certain notices be posted and provided regarding long term care insurance policy changes

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subparagraphs (E) and (F) of paragraph 6 of subsection (b)
2 of section 1117 of the insurance law, as amended by chapter 424 of the
3 laws of 2016, are amended and ten new subparagraphs (G), (H), (I), (J),
4 (K), (L), (M), (N), (O) and (P) are added to read as follows:

5 (E) A graphic demonstration of the maximum daily nursing home benefit
6 level provided by the policy or certificate, and the impact that the
7 selection of any inflation protection options would have on such maximum
8 daily nursing home benefit level; [~~and~~]

9 (F) The right of the prospective insured, upon attaining the age of
10 sixty-five years, to designate a third party who will receive a copy of
11 any notices of nonpayment of premiums due or notice of cancellation for
12 nonpayment of premiums that is sent to the prospective insured[~~;~~];

13 (G) (i) A written statement as to whether the insurer anticipates
14 requesting increases of premium rates for such policy or certificate
15 over the next ten years; and

16 (ii) A list of past premium rate increases for such policy or certif-
17 icate over the previous ten years, or if such policy or certificate was
18 not offered over the previous ten years, past premium rate increases for
19 similar policies or certificates over the previous ten years;

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

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1 (H) Directions on how to obtain information about the department's
2 review of any rate filing or application, contact information for the
3 department, and information on how to contact the insurer for more
4 information;

5 (I) Whether or not there is an initial period in which rates will not
6 change, and if so, when that time period expires;

7 (J) A description of whether or not the premium may change, and if so,
8 the circumstances under which any such premium changes could occur,
9 including whether the department must approve such changes;

10 (K) Whether the policy contains provisions providing for a refund or
11 partial refund of premium upon the surrender of the policy, and if such
12 provisions exist, provide a description of their terms;

13 (L) A description of the options policyholders will have to mitigate
14 any future premium increases;

15 (M) A description of the options policyholders will have should the
16 premiums increase, and the policyholder deems it in their best interest
17 to surrender the policy;

18 (N) A statement that the policyholder will be given at least sixty
19 days notice before any premium change takes effect;

20 (O) A statement that if the company seeks to increase the premium, the
21 department will post notice of the rate filing on its website prior to
22 any determination by the department; and

23 (P) The right of the prospective insured to submit public comments on
24 any rate filing or application regarding premium rates on the depart-
25 ment's website.

26 § 2. Section 1117 of the insurance law is amended by adding four new
27 subsections (h), (i), (j) and (k) to read as follows:

28 (h) The department shall post on its website information describing
29 the process that it uses in reviewing and approving premium rates for
30 policies or contracts of long term care insurance.

31 (i) Whenever an insurer submits a rate filing or application to the
32 superintendent to increase or decrease premium rates for any policy or
33 certificate subject to this section, the superintendent shall post a
34 public notice of the rate filing or application on the department's
35 website within seven days. The superintendent shall provide for a proc-
36 ess for the public to provide comments on such rate filing or applica-
37 tion electronically or in writing for a period of thirty days after such
38 public notice is posted on the department's website.

39 (j) The superintendent, upon rendering a decision regarding approval,
40 disapproval or modification of a rate filing or application, shall issue
41 a public notice of such decision. Such written decision and notice shall
42 be made publicly available on the department's website no later than the
43 date on which the rate filing or application is approved, disapproved,
44 or modified. Such notification shall include:

45 (1) a summary of the determinations made and considerations used by
46 the department regarding the approval, disapproval or modification of
47 such rate filing or application, and

48 (2) a statement with relevant detail as to why the approval, disap-
49 proval or modification of the proposal is consistent with paragraph
50 three of subsection (f) of this section.

51 (k) Upon receipt by an authorized insurer, corporation, health mainte-
52 nance organization or fraternal benefit society covered by the
53 provisions of this section of an approval or modification decision by
54 the superintendent with respect to a rate filing application with the
55 department, such insurer, corporation, health maintenance organization
56 or fraternal benefit society shall notify policyholders and certificate

1 holders of such decision within forty-five days and in no event later
2 than sixty days prior to the effective date of the premium rate
3 increase. Such notification shall include:

4 (1) a description of such decision; and

5 (2) a written statement conforming to the requirements set forth in
6 subparagraph (G) of paragraph six of subsection (b) of this section.

7 § 3. This act shall take effect on the one hundred eightieth day after
8 it shall have become a law, and shall apply to any rate filing submitted
9 on or after such date.