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

4770

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to pre-existing condition provisions for group and blanket disability policies

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

Section 1. Subsection (b) of section 3234 of the insurance law, as added by chapter 650 of the laws of 1993, is amended to read as follows:

(b) AN INSURER THAT OFFERS A POLICY IN CONFORMANCE WITH PARAGRAPH TWO OF SUBSECTION (A) OF THIS SECTION MUST ALSO MAKE AVAILABLE, AND IF REQUESTED BY THE POLICYHOLDER, PROVIDE A GROUP OR BLANKET POLICY WITH A PRE-EXISTING CONDITION PROVISION WHICH EXCLUDES COVERAGE UNDER THE POLICY FOR A DISABILITY COMMENCING DURING THE TWELVE MONTHS FOLLOWING THE EFFECTIVE DATE OF COVERAGE FOR THE COVERED PERSON.

(C) Nothing [herein] IN THIS SECTION shall be construed to prohibit or restrict an insurer from utilizing other forms of underwriting for the members of the group in lieu of, or in addition to, the pre-existing condition provision described in subsection (a) OR (B) of this section.

S 2. This act shall take effect immediately.

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

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