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

3387--C

2011-2012 Regular Sessions

I N A S S E M B L Y

January 25, 2011

Introduced by M. of A. CYMBROWITZ, REILLY, ABBATE, BRONSON, MALLIOTAKIS -- Multi-Sponsored by -- M. of A. BRENNAN, ROBINSON -- read once and referred to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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. Subsections (f) and (g) of section 2612 of the insurance law, subsection (f) as amended by chapter 246 of the laws of 2005 and subsection (g) as added by chapter 361 of the laws of 2006, are amended to read as follows:

(f) If any person covered by an insurance policy issued to another person as the policyholder delivers to the insurer that issued the policy, at its home office, (I) a valid order of protection against the policyholder, issued by a court of competent jurisdiction in this state, OR (II) A REQUEST TO DESIGNATE AN ALTERNATIVE MAILING ADDRESS, TELEPHONE NUMBER OR OTHER CONTACT INFORMATION FOR THE PURPOSE OF RECEIVING SPECIFIC CLAIM INFORMATION OR FOR SPECIFIC BILLING PURPOSES RELATING TO SUCH INSURED ACCOMPANIED BY A SIGNED STATEMENT MADE UNDER OATH THAT HE OR SHE IS A VICTIM OF DOMESTIC VIOLENCE AND THE DISCLOSURE OF SUCH INFORMATION WOULD ENDANGER HIM OR HER the insurer shall be prohibited for the duration of the order, OR UNTIL THE REQUEST MADE PURSUANT TO PARAGRAPH (II) OF THIS SUBSECTION, IS CANCELLED BY THE REQUESTING PARTY IN WRITING from disclosing to the policyholder the address [and], telephone number OR OTHER CONTACT INFORMATION of the insured, or of any person or entity

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

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providing covered services to the insured OR FROM MAILING ANY INFORMATION DESCRIBED IN PARAGRAPH (II) OF THIS SUBSECTION TO ANY ADDRESS OTHER THAN THE DESIGNATED ALTERNATIVE ADDRESS PROVIDED PURSUANT TO SUCH SUBSECTION. If a child is the covered person, the right established by this subsection may be asserted by, and shall also extend to, the parent or guardian of the child. The superintendent, in consultation with the commissioner of health and the office of children and family services and the office for the prevention of domestic violence, shall promulgate rules to guide and enable insurers to guard against the disclosure of the address and location of an insured who is a victim of domestic violence.

(g) If any person covered by a group insurance policy delivers to the insurer that issued the policy, at its home office, (I) a valid order of protection against another person covered by the group policy, issued by a court of competent jurisdiction in this state, OR (II) A REQUEST TO DESIGNATE AN ALTERNATIVE MAILING ADDRESS, TELEPHONE NUMBER OR OTHER CONTACT INFORMATION FOR THE PURPOSE OF RECEIVING SPECIFIC CLAIM INFORMATION OR FOR SPECIFIC BILLING PURPOSES RELATING TO SUCH INSURED ACCOMPANIED BY A SIGNED STATEMENT MADE UNDER OATH THAT HE OR SHE IS A VICTIM OF DOMESTIC VIOLENCE AND THE DISCLOSURE OF SUCH INFORMATION WOULD ENDANGER HIM OR HER the insurer shall be prohibited for the duration of the order OR UNTIL THE REQUEST MADE PURSUANT TO PARAGRAPH (II) OF THIS SUBSECTION, IS CANCELLED BY THE REQUESTING PARTY IN WRITING from disclosing to the person against whom [the] A valid order of protection was issued the address [and], telephone number OR OTHER CONTACT INFORMATION of the insured person covered by the order of protection[,]; MAILING ANY INFORMATION DESCRIBED IN PARAGRAPH (II) OF THIS SUBSECTION TO ANY ADDRESS OTHER THAN THE DESIGNATED ALTERNATIVE ADDRESS PROVIDED PURSUANT TO SUCH SUBSECTION or; DISCLOSING THE ADDRESS, TELEPHONE NUMBER, OR OTHER CONTACT INFORMATION of any person or entity providing covered services to the insured person covered by the order of protection OR THE PERSON MAKING A REQUEST UNDER THIS SUBSECTION. If a child is the covered person, the right established by this subsection may be asserted by, and shall also extend to, the parent or guardian of the child. The superintendent, in consultation with the commissioner of health, the office of children and family services and the office for the prevention of domestic violence, shall promulgate rules to guide and enable insurers to guard against the disclosure of the address and location of an insured who is a 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.