

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 commit-
tee -- 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Subsections (f) and (g) of section 2612 of the insurance
2 law, subsection (f) as amended by chapter 246 of the laws of 2005 and
3 subsection (g) as added by chapter 361 of the laws of 2006, are amended
4 to read as follows:
5 (f) If any person covered by an insurance policy issued to another
6 person as the policyholder delivers to the insurer that issued the poli-
7 cy, at its home office, (I) a valid order of protection against the
8 policyholder, issued by a court of competent jurisdiction in this state,
9 OR (II) A REQUEST TO DESIGNATE AN ALTERNATIVE MAILING ADDRESS, TELEPHONE
10 NUMBER OR OTHER CONTACT INFORMATION FOR THE PURPOSE OF RECEIVING SPECIF-
11 IC CLAIM INFORMATION OR FOR SPECIFIC BILLING PURPOSES RELATING TO SUCH
12 INSURED ACCOMPANIED BY A SIGNED STATEMENT MADE UNDER OATH THAT HE OR SHE
13 IS A VICTIM OF DOMESTIC VIOLENCE AND THE DISCLOSURE OF SUCH INFORMATION
14 WOULD ENDANGER HIM OR HER the insurer shall be prohibited for the dura-
15 tion of the order, OR UNTIL THE REQUEST MADE PURSUANT TO PARAGRAPH (II)
16 OF THIS SUBSECTION, IS CANCELLED BY THE REQUESTING PARTY IN WRITING from
17 disclosing to the policyholder the address [and], telephone number OR
18 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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1 providing covered services to the insured OR FROM MAILING ANY INFORMA-
2 TION DESCRIBED IN PARAGRAPH (II) OF THIS SUBSECTION TO ANY ADDRESS OTHER
3 THAN THE DESIGNATED ALTERNATIVE ADDRESS PROVIDED PURSUANT TO SUCH
4 SUBSECTION. If a child is the covered person, the right established by
5 this subsection may be asserted by, and shall also extend to, the parent
6 or guardian of the child. The superintendent, in consultation with the
7 commissioner of health and the office of children and family services
8 and the office for the prevention of domestic violence, shall promulgate
9 rules to guide and enable insurers to guard against the disclosure of
10 the address and location of an insured who is a victim of domestic
11 violence.

12 (g) If any person covered by a group insurance policy delivers to the
13 insurer that issued the policy, at its home office, (I) a valid order of
14 protection against another person covered by the group policy, issued by
15 a court of competent jurisdiction in this state, OR (II) A REQUEST TO
16 DESIGNATE AN ALTERNATIVE MAILING ADDRESS, TELEPHONE NUMBER OR OTHER
17 CONTACT INFORMATION FOR THE PURPOSE OF RECEIVING SPECIFIC CLAIM INFORMA-
18 TION OR FOR SPECIFIC BILLING PURPOSES RELATING TO SUCH INSURED ACCOMPA-
19 NIED BY A SIGNED STATEMENT MADE UNDER OATH THAT HE OR SHE IS A VICTIM OF
20 DOMESTIC VIOLENCE AND THE DISCLOSURE OF SUCH INFORMATION WOULD ENDANGER
21 HIM OR HER the insurer shall be prohibited for the duration of the order
22 OR UNTIL THE REQUEST MADE PURSUANT TO PARAGRAPH (II) OF THIS SUBSECTION,
23 IS CANCELLED BY THE REQUESTING PARTY IN WRITING from disclosing to the
24 person against whom [the] A valid order of protection was issued the
25 address [and], telephone number OR OTHER CONTACT INFORMATION of the
26 insured person covered by the order of protection[,]; MAILING ANY INFOR-
27 MATION DESCRIBED IN PARAGRAPH (II) OF THIS SUBSECTION TO ANY ADDRESS
28 OTHER THAN THE DESIGNATED ALTERNATIVE ADDRESS PROVIDED PURSUANT TO SUCH
29 SUBSECTION or; DISCLOSING THE ADDRESS, TELEPHONE NUMBER, OR OTHER
30 CONTACT INFORMATION of any person or entity providing covered services
31 to the insured person covered by the order of protection OR THE PERSON
32 MAKING A REQUEST UNDER THIS SUBSECTION. If a child is the covered
33 person, the right established by this subsection may be asserted by, and
34 shall also extend to, the parent or guardian of the child. The super-
35 intendent, in consultation with the commissioner of health, the office
36 of children and family services and the office for the prevention of
37 domestic violence, shall promulgate rules to guide and enable insurers
38 to guard against the disclosure of the address and location of an
39 insured who is a victim of domestic violence.

40 S 2. This act shall take effect on the first of January next succeed-
41 ing the date on which it shall have become a law.