

7065--A

I N S E N A T E

March 22, 2016

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to requiring long term care insurance carriers who propose to raise long term care insurance premiums to obtain prior approval of the superintendent of financial services

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

1 Section 1. Section 1117 of the insurance law is amended by adding a
2 new subsection (h) to read as follows:
3 (H) AN INSURER DESIRING TO INCREASE OR DECREASE PREMIUMS FOR ANY POLI-
4 CY SUBJECT TO THIS SECTION SHALL SUBMIT A RATE FILING OR APPLICATION TO
5 THE SUPERINTENDENT. AN INSURER SHALL SEND WRITTEN NOTICE OF THE
6 PROPOSED RATE ADJUSTMENT, INCLUDING THE SPECIFIC CHANGE REQUESTED, TO
7 EACH POLICY HOLDER AND CERTIFICATE HOLDER AFFECTED BY THE ADJUSTMENT ON
8 OR BEFORE THE DATE THE RATE FILING OR APPLICATION IS SUBMITTED TO THE
9 SUPERINTENDENT. THE NOTICE SHALL PROMINENTLY INCLUDE MAILING AND WEBSITE
10 ADDRESSES FOR BOTH THE DEPARTMENT OF FINANCIAL SERVICES AND THE INSURER
11 THROUGH WHICH A PERSON MAY, WITHIN THIRTY DAYS FROM THE DATE THE RATE
12 FILING OR APPLICATION IS SUBMITTED TO THE SUPERINTENDENT, CONTACT THE
13 DEPARTMENT OF FINANCIAL SERVICES OR INSURER TO RECEIVE ADDITIONAL INFOR-
14 MATION OR TO SUBMIT WRITTEN COMMENTS TO THE DEPARTMENT OF FINANCIAL
15 SERVICES ON THE RATE FILING OR APPLICATION. THE SUPERINTENDENT SHALL
16 ESTABLISH A PROCESS TO POST ON SUCH DEPARTMENT'S WEBSITE, IN A TIMELY
17 MANNER, ALL RELEVANT WRITTEN COMMENTS RECEIVED PERTAINING TO RATE
18 FILINGS OR APPLICATIONS. THE INSURER SHALL PROVIDE A COPY OF THE NOTICE
19 TO THE SUPERINTENDENT WITH THE RATE FILING OR APPLICATION. THE SUPER-
20 INTENDENT SHALL IMMEDIATELY CAUSE THE NOTICE TO BE POSTED ON THE DEPART-
21 MENT OF FINANCIAL SERVICES' WEBSITE. THE SUPERINTENDENT SHALL DETERMINE
22 WHETHER THE FILING OR APPLICATION SHALL BECOME EFFECTIVE AS FILED, SHALL
23 BECOME EFFECTIVE AS MODIFIED, OR SHALL BE DISAPPROVED. THE SUPERINTEN-
24 DENT MAY MODIFY OR DISAPPROVE THE RATE FILING OR APPLICATION IF THE

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

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1 SUPERINTENDENT FINDS THAT THE PREMIUMS ARE UNREASONABLE, EXCESSIVE,
2 INADEQUATE, OR UNFAIRLY DISCRIMINATORY, AND MAY CONSIDER THE FINANCIAL
3 CONDITION OF THE INSURER WHEN APPROVING, MODIFYING OR DISAPPROVING ANY
4 PREMIUM ADJUSTMENT. THE DETERMINATION OF THE SUPERINTENDENT SHALL BE
5 SUPPORTED BY SOUND ACTUARIAL ASSUMPTIONS AND METHODS, AND SHALL BE
6 RENDERED IN WRITING BETWEEN THIRTY AND SIXTY DAYS FROM THE DATE THE RATE
7 FILING OR APPLICATION IS SUBMITTED TO THE SUPERINTENDENT. SHOULD THE
8 SUPERINTENDENT REQUIRE ADDITIONAL INFORMATION FROM THE INSURER IN ORDER
9 TO MAKE A DETERMINATION, THE SUPERINTENDENT SHALL REQUIRE THE INSURER TO
10 FURNISH SUCH INFORMATION, AND IN SUCH EVENT, THE SIXTY DAYS SHALL BE
11 TOLLED AND SHALL RESUME AS OF THE DATE THE INSURER FURNISHES THE INFOR-
12 MATION TO THE SUPERINTENDENT. IF THE SUPERINTENDENT REQUESTS ADDITIONAL
13 INFORMATION LESS THAN TEN DAYS FROM THE EXPIRATION OF THE SIXTY DAYS
14 (EXCLUSIVE OF TOLLING), THE SUPERINTENDENT MAY EXTEND THE SIXTY DAY
15 PERIOD AN ADDITIONAL TWENTY DAYS TO MAKE A DETERMINATION. THE APPLICA-
16 TION OR RATE FILING WILL BE DEEMED APPROVED IF A DETERMINATION IS NOT
17 RENDERED WITHIN THE TIME ALLOTTED UNDER THIS SECTION. AN INSURER SHALL
18 NOT IMPLEMENT A RATE ADJUSTMENT UNLESS THE INSURER PROVIDES AT LEAST
19 SIXTY DAYS ADVANCE WRITTEN NOTICE OF THE PREMIUM RATE ADJUSTMENT
20 APPROVED BY THE SUPERINTENDENT TO EACH POLICY HOLDER AND CERTIFICATE
21 HOLDER AFFECTED BY THE RATE ADJUSTMENT.
22 S 2. This act shall take effect immediately.