STATE OF NEW YORK

1185

2019-2020 Regular Sessions

IN ASSEMBLY

January 14, 2019

Introduced by M. of A. CAHILL, LIFTON, LUPARDO -- read once and referred
to the Committee on Insurance

AN ACT to amend the insurance law, in relation to authorizing continuing care retirement communities to adopt a written cybersecurity policy

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

1 Section 1. Section 1119 of the insurance law is amended by adding a 2 new subsection (d) to read as follows:

3 (d) Such organization may adopt a written cybersecurity policy that is 4 designed to protect the confidentiality, integrity and security of nonpublic information and is in compliance with: (i) the Health Information Technology for Economic and Clinical Health Act ("HITECH"), the Health Insurance Portability and Accountability Act ("HIPAA"), the 7 8 Gramm-Leach-Bliley Act; and (ii) all other applicable cybersecurity and 9 privacy protections governing nursing homes, adult care facilities and 10 assisted living residences to the extent the protections govern those 11 components of such organization's operations. The cybersecurity policy shall be self-certified by such organization and such self-certified 12 cybersecurity policy shall be filed with the superintendent. The self-13 14 certification shall attest that the policy provides sufficient 15 protections of nonpublic information in a manner which is not inconsistent with the goals of the cybersecurity policies adopted by financial services companies pursuant to regulations promulgated by the super-17 intendent. Such self-certification shall be deemed compliant with such 18 19 regulations applicable to financial services companies. The superinten-20 dent shall review the accuracy and reasonableness of the attestation. 21 Unless the superintendent objects to the attestation within sixty days 22 from the date it is submitted, such attestation shall be deemed 23 approved.

24 § 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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