STATE OF NEW YORK

2519--A

Cal. No. 107

2021-2022 Regular Sessions

IN ASSEMBLY

January 19, 2021

Introduced by M. of A. CYMBROWITZ, ABBATE, BRONSON, PEOPLES-STOKES, WEPRIN, ABINANTI, SEAWRIGHT, BICHOTTE HERMELYN, HEVESI, RAMOS, REYES, GOTTFRIED, WALCZYK, WALLACE, CRUZ, JACOBSON, SILLITTI -- read once and referred to the Committee on Insurance -- ordered to a third reading -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the special order of third reading

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, a valid order of protection against the policyholder, issued by a court of competent jurisdiction in this state, **or, except where the insurance policy was issued by a health insurer as defined in subparagraph (B) of paragraph (1) of subsection (h) of this section, a request to designate an alternative mailing address, telephone number or method of contact for the purpose of receiving claim related information if the person states that disclosure of all or part of the claim related information could endanger the person,** the insurer shall be prohibited for the duration of the order**, or until the request designating an alternative mailing address, telephone number or other method of contact is cancelled by the requesting person in writing,** from disclosing to the policyholder the address [~~and~~]**,** telephone number [~~of~~] **or other method of contact for** the insured, or [~~of~~] **for** any person or

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

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entity providing covered services to the insured, any personally identifying information of the insured, or the nature of the covered services provided to the insured, or from mailing, delivering, or otherwise providing claim related information to any mailing address, telephone number, or other method of contact other than as designated by the requesting person pursuant to 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. An insurer may require a person making a request to designate an alternative mailing address, telephone number or other method of contact pursuant to this subsection to: make the request in writing; include in the request a statement that disclosure of all or part of the claim related information to which the request pertains could endanger the person or child; and specify an alternative mailing address, telephone number, or other method of contact. For the purpose of this subsection, "claim related information" means all claim or billing information relating specifically to an insured or person covered by an insurance policy issued by an insurer other than a health insurer as defined in subparagraph (B) of paragraph (1) of subsection (h) of this section. 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, except where the insurance policy was issued by a health insurer as defined in subparagraph (B) of paragraph (1) of subsection (h) of this section, a request to designate an alternative mailing address, telephone number or other method of contact for the purpose of receiving claim related information if the person states that disclosure of all or part of the claim related information could endanger the person, the insurer shall be prohibited for the duration of the order, or until the request designating an alternative mailing address, telephone number or other method of contact is cancelled by the requesting person in writing, from disclosing to the person against whom [~~the~~] a valid order of protection was issued the address [~~and~~], telephone number [~~of~~] or other method of contact for the insured person covered by the order of protection or [~~of~~] for any person or entity providing covered services to the insured person covered by the order of protection, any personally identifying information of the insured, or the nature of the covered services provided to the insured, or from mailing, delivering, or otherwise providing claim related information to any mailing address, telephone number, or other method of contact other than as designated by the requesting person pursuant to 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. An insurer may require a person making a request to designate an alternative mailing address, telephone number or other method of contact pursuant to this subsection to: make the request in writing; include in the request a statement that disclosure of all or part of the claim related information to which the request pertains could endanger the person or child; and specify an alternative mailing address, telephone number, or other method of contact. For the purpose of this subsection, "claim related

information" means all claim or billing information relating specifically to an insured or person covered by an insurance policy issued by an insurer other than a health insurer as defined in subparagraph (B) of paragraph (1) of subsection (h) of this section. 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.

§ 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.