

STATE OF NEW YORK

7263--A

Cal. No. 1086

2021-2022 Regular Sessions

IN SENATE

June 28, 2021

Introduced by Sens. LIU, MATTERA, SERINO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Insurance in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the 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:

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, a valid order of protection against the policy-
8 holder, issued by a court of competent jurisdiction in this state, or,
9 except where the insurance policy was issued by a health insurer as
10 defined in subparagraph (B) of paragraph (1) of subsection (h) of this
11 section, a request to designate an alternative mailing address, tele-
12 phone number or method of contact for the purpose of receiving claim
13 related information if the person states that disclosure of all or part
14 of the claim related information could endanger the person, the insurer
15 shall be prohibited for the duration of the order, or until the request
16 designating an alternative mailing address, telephone number or other
17 method of contact is cancelled by the requesting person in writing, from
18 disclosing to the policyholder the address [~~and~~], telephone number [~~of~~]
19 or other method of contact for the insured, or [~~of~~] for any person or
20 entity providing covered services to the insured, any personally identi-

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

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1 fyng information of the insured, or the nature of the covered services
2 provided to the insured, or from mailing, delivering, or otherwise
3 providing claim related information to any mailing address, telephone
4 number, or other method of contact other than as designated by the
5 requesting person pursuant to this subsection. If a child is the
6 covered person, the right established by this subsection may be asserted
7 by, and shall also extend to, the parent or guardian of the child. An
8 insurer may require a person making a request to designate an alterna-
9 tive mailing address, telephone number or other method of contact pursu-
10 ant to this subsection to: make the request in writing; include in the
11 request a statement that disclosure of all or part of the claim related
12 information to which the request pertains could endanger the person or
13 child; and specify an alternative mailing address, telephone number, or
14 other method of contact. For the purpose of this subsection, "claim
15 related information" means all claim or billing information relating
16 specifically to an insured or person covered by an insurance policy
17 issued by an insurer other than a health insurer as defined in subpara-
18 graph (B) of paragraph (1) of subsection (h) of this section. The super-
19 intendent, in consultation with the commissioner of health and the
20 office of children and family services and the office for the prevention
21 of domestic violence, shall promulgate rules to guide and enable insur-
22 ers to guard against the disclosure of the address and location of an
23 insured who is a victim of domestic violence.

24 (g) If any person covered by a group insurance policy delivers to the
25 insurer that issued the policy, at its home office, (i) a valid order of
26 protection against another person covered by the group policy, issued by
27 a court of competent jurisdiction in this state, or, except where the
28 insurance policy was issued by a health insurer as defined in subpara-
29 graph (B) of paragraph (1) of subsection (h) of this section, a request
30 to designate an alternative mailing address, telephone number or
31 other method of contact for the purpose of receiving claim related
32 information if the person states that disclosure of all or part of the
33 claim related information could endanger the person, the insurer shall
34 be prohibited for the duration of the order, or until the request design-
35 ating an alternative mailing address, telephone number or other method
36 of contact is cancelled by the requesting person in writing, from
37 disclosing to the person against whom ~~the~~ a valid order of protection
38 was issued the address ~~and~~, telephone number ~~or~~ or other method of
39 contact for the insured person covered by the order of protection or
40 ~~or~~ for any person or entity providing covered services to the insured
41 person covered by the order of protection, any personally identifying
42 information of the insured, or the nature of the covered services
43 provided to the insured, or from mailing, delivering, or otherwise
44 providing claim related information to any mailing address, telephone
45 number, or other method of contact other than as designated by the
46 requesting person pursuant to this subsection. If a child is the covered
47 person, the right established by this subsection may be asserted by, and
48 shall also extend to, the parent or guardian of the child. An insurer
49 may require a person making a request to designate an alternative mail-
50 ing address, telephone number or other method of contact pursuant to
51 this subsection to: make the request in writing; include in the request
52 a statement that disclosure of all or part of the claim related informa-
53 tion to which the request pertains could endanger the person or child;
54 and specify an alternative mailing address, telephone number, or other
55 method of contact. For the purpose of this subsection, "claim related
56 information" means all claim or billing information relating specif-

1 ically to an insured or person covered by an insurance policy issued by
2 an insurer other than a health insurer as defined in subparagraph (B) of
3 paragraph (1) of subsection (h) of this section. The superintendent, in
4 consultation with the commissioner of health, the office of children and
5 family services and the office for the prevention of domestic violence,
6 shall promulgate rules to guide and enable insurers to guard against the
7 disclosure of the address and location of an insured who is a victim of
8 domestic violence.

9 § 2. This act shall take effect on the first of January next succeed-
10 ing the date on which it shall have become a law.