

# STATE OF NEW YORK

7852

2023-2024 Regular Sessions

## IN ASSEMBLY

July 7, 2023

Introduced by M. of A. WEPRIN -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to establishing a medical loss ratio for dental insurance

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

1 Section 1. Paragraph 3 of subsection (e) of section 3231 of the  
2 insurance law, as added by chapter 107 of the laws of 2010, is amended  
3 to read as follows:

4 (3) (a) All policy forms subject to this subsection, other than medi-  
5 care supplemental insurance policy forms, but including policy forms  
6 covering any dental services where a premium is collected, issued or in  
7 effect during calendar year two thousand ten shall be subject to a mini-  
8 mum loss ratio requirement of eighty-two percent. Insurers may use the  
9 alternate filing procedure set forth in paragraph two of this subsection  
10 to adjust premium rates in order to meet the required minimum loss ratio  
11 for calendar year two thousand ten. The rate filing or application shall  
12 be submitted no later than September thirtieth, two thousand ten.

13 (b) The expected minimum loss ratio for a dental policy form subject  
14 to this subsection issued or in effect during and after calendar year  
15 two thousand twenty-four, other than a medicare supplemental insurance  
16 contract, shall not be less than eighty-two percent. In reviewing a rate  
17 filing or application, the superintendent may modify the eighty-two  
18 percent expected minimum loss ratio requirement if the superintendent  
19 determines the modification to be in the interests of the people of this  
20 state or if the superintendent determines that a modification is neces-  
21 sary to maintain insurer solvency. No later than July thirty-first of  
22 each year, every corporation subject to this subparagraph shall annually  
23 report the actual loss ratio for the previous calendar year in a format  
24 acceptable to the superintendent. If an expected loss ratio is not met,  
25 the superintendent may direct the corporation to take corrective action,

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

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1 which may include the submission of a rate filing to reduce future  
2 premiums, or to issue dividends, premium refunds or credits, or any  
3 combination of these. For the purposes of this subsection with respect  
4 to dental policy forms, "minimum loss ratio" shall mean the required  
5 minimum percentage that dental insurance plans must dedicate for patient  
6 care rather than administrative and overhead cost. If not met, the  
7 difference must be refunded to individuals or group policy owners in the  
8 form of a rebate.

9 § 2. Subparagraph (A) of paragraph 3 of subsection (c) of section  
10 4308 of the insurance law, as amended by section 62 of part D of chapter  
11 56 of the laws of 2013, is amended and a new subparagraph (C) is added  
12 to read as follows:

13 (A) The expected minimum loss ratio for a contract form subject to  
14 this subsection for which a rate filing or application is made pursuant  
15 to this paragraph, other than a medicare supplemental insurance  
16 contract, but including a dental insurance contract, or, with the  
17 approval of the superintendent, an aggregation of contract forms that  
18 are combined into one community rating experience pool and rated  
19 consistent with community rating requirements, shall not be less than  
20 eighty-two percent. In reviewing a rate filing or application, the  
21 superintendent may modify the eighty-two percent expected minimum loss  
22 ratio requirement if the superintendent determines the modification to  
23 be in the interests of the people of this state or if the superintendent  
24 determines that a modification is necessary to maintain insurer solven-  
25 cy. No later than July thirty-first of each year, every corporation  
26 subject to this subparagraph shall annually report the actual loss ratio  
27 for the previous calendar year in a format acceptable to the superinten-  
28 dent. If an expected loss ratio is not met, the superintendent may  
29 direct the corporation to take corrective action, which may include the  
30 submission of a rate filing to reduce future premiums, or to issue divi-  
31 dends, premium refunds or credits, or any combination of these.

32 (C) (i) The expected minimum loss ratio for a dental contract form  
33 subject to this subsection for which a rate filing or application is  
34 made pursuant to this paragraph, other than a medicare supplemental  
35 insurance contract, shall not be less than eighty-two percent. In  
36 reviewing a rate filing or application, the superintendent may modify  
37 the eighty-two percent expected minimum loss ratio requirement if the  
38 superintendent determines the modification to be in the interests of the  
39 people of this state or if the superintendent determines that a modifi-  
40 cation is necessary to maintain insurer solvency. No later than July  
41 thirty-first of each year, every corporation subject to this subpara-  
42 graph shall annually report the actual loss ratio for the previous  
43 calendar year in a format acceptable to the superintendent. The depart-  
44 ment shall make available to the public all data provided pursuant to  
45 this section.

46 (ii) If an expected loss ratio is not met, the superintendent may  
47 direct the corporation to take corrective action, which may include the  
48 submission of a rate filing to reduce future premiums, or to issue divi-  
49 dends, premium refunds or credits, or any combination of these.

50 § 3. This act shall take effect immediately and shall apply to any  
51 policies issued or in effect on and after January 1, 2024.