STATE OF NEW YORK

3919

2025-2026 Regular Sessions

IN ASSEMBLY

January 30, 2025

Introduced by M. of A. WEPRIN, HEVESI, TAYLOR, PAULIN, BROOK-KRASNY -- 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:

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

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

(b) The expected minimum loss ratio for a dental policy form subject to this subsection issued or in effect during and after calendar year two thousand twenty-six, other than a medicare supplemental insurance contract, shall not be less than eighty-two percent. In reviewing a rate filing or application, the superintendent may modify the eighty-two percent expected minimum loss ratio requirement if the superintendent determines the modification to be in the interests of the people of this state or if the superintendent determines that a modification is necessary to maintain insurer solvency. No later than July thirty-first of each year, every corporation subject to this subparagraph shall annually report the actual loss ratio for the previous calendar year in a format acceptable to the superintendent. If an expected loss ratio is not met, 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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which may include the submission of a rate filing to reduce future premiums, or to issue dividends, premium refunds or credits, or any combination of these. For the purposes of this subsection with respect to dental policy forms, "minimum loss ratio" shall mean the required minimum percentage that dental insurance plans must dedicate for patient care rather than administrative and overhead cost. If not met, the difference must be refunded to individuals or group policy owners in the form of a rebate.

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

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

(C) (i) The expected minimum loss ratio for a dental contract form subject to this subsection for which a rate filing or application is made pursuant to this paragraph, other than a medicare supplemental insurance contract, shall not be less than eighty-two percent. In reviewing a rate filing or application, the superintendent may modify the eighty-two percent expected minimum loss ratio requirement if the superintendent determines the modification to be in the interests of the people of this state or if the superintendent determines that a modification is necessary to maintain insurer solvency. No later than July thirty-first of each year, every corporation subject to this subparagraph shall annually report the actual loss ratio for the previous calendar year in a format acceptable to the superintendent. The department shall make available to the public all data provided pursuant to this section.

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

§ 3. This act shall take effect immediately and shall apply to any policies issued or in effect on and after January 1, 2026.