

Annual Report 2022



New York State Senate Standing Committee on Insurance

Senator Neil D. Breslin

Chair



Senator Andrea Stewart-Cousins
President Pro Tempore
NYS Senate Majority Leader

**THE SENATE
STATE OF NEW YORK**



NEIL D. BRESLIN

SENATOR, 44TH DISTRICT

VICE PRESIDENT PRO TEMPORE

CHAIR

INSURANCE COMMITTEE

CO-CHAIR

LEGISLATIVE ETHICS COMMISSION

MEMBER

LEGISLATIVE COMMISSION ON RURAL
RESOURCES

COMMITTEES

BANKS

ETHICS AND INTERNAL GOVERNANCE

FINANCE

CITIES 2

JUDICIARY

RULES

December 20, 2022

The Honorable Andrea Stewart-Cousins
Temporary President and Majority Leader
New York State Senate
Albany, NY 12247

Dear Senator Stewart-Cousins:

I am pleased to transmit the Annual Report of the Senate's Standing Committee on Insurance for the 2022 Legislative Session. As Chair, I am proud to continue to lead our efforts to address important matters under my committee's jurisdiction.

During the 2022 session, this committee met 6 times in session and reported 34 bills.

I thank my colleagues who served on the Committee for their efforts and support of the work that was done in the committee this year, and I thank you for the continued support from the Majority Conference in the committee's operations.

Sincerely,

A handwritten signature in cursive script that reads "Neil D. Breslin".

Neil D. Breslin
Member of Senate



2022 LEGISLATIVE SESSION REPORT

**NEW YORK STATE SENATE
STANDING COMMITTEE ON INSURANCE**

Senator Breslin, Chairperson

Committee Members

John Brooks Jeremy Cooney Andrew Gounardes Pete Harckham Timothy Kennedy Kevin Parker James Sanders Jr.	Pamela Helming Thomas O'Mara Sue Serino
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Committee Staff

Evan Schneider – Committee Director

Jorge Rivera Agosto – Counsel

Becki Rappazzo – Committee Clerk

COMMITTEE JURISDICTION AND OVERVIEW

The New York State Senate Standing Committee on Insurance has legislative oversight responsibilities for issues concerning property/casualty insurance, health insurance and life insurance.

During the 2022 Legislative Session, 235 bills were referred to the Committee for its review. Of these bills, 34 were reported from the Committee. 15 were passed by the Senate, and 12 passed in both houses. This work was conducted through a series of 6 committee meetings. A list of all bills that were reported from the committee is provided at the end of this report.

COMMITTEE HIGHLIGHTS

The following key bills were acted on by the committee in 2022:

- S4327a (Mayer) – Increases transparency in the long term care insurance premium rate increase approval process.
- S1413 (Rivera) – Reduces the cap on cost sharing for insulin from the current \$100 per insulin per month to \$30 per insulin per month.
- S4856 (Reichlin-Melnick) – Requires coverage for prescription drugs to include coverage of an immediate additional 30 day supply of a prescription drug during a state disaster emergency.
- S5299 (Rivera) – Requires insurance companies or pharmacy benefit managers to apply price reduction instruments for out-of-pocket expenses when calculating an insured individual's cost sharing requirement.
- S5690 (Harckham) – Prohibits co-payments for treatment at an opioid treatment program during the course of treatment.
- S5909 (Kaminsky) – Prohibits the application of fail-first or step therapy protocols to coverage for the diagnosis and treatment of mental health conditions.
- S7658 (Kaplan) – Prohibits the cancellation or increases the cost of an insurance policy for the reason the individual was the victim of a hate crime

TWO HOUSE BILLS

In 2022, 12 of the 235 bills referred to the Standing Committee on Insurance passed both houses of the Legislature. Of these bills, the Governor has signed 17 and vetoed 4. Five bills have not yet been acted on by the Governor.

Bill-No	Sponsor	Summary	Significant Action
S688	HOYLMAN	Relates to requiring insurance coverage for pre-exposure prophylaxis for the prevention of HIV and post-exposure prophylaxis to prevent HIV infection.	Chaptered 721
S906B	SANDERS	Requires certain providers of health care policies to provide coverage for colorectal cancer early detection in accordance with the American cancer society guidelines; requires the insurance carriers to notify enrollees of such coverage and screening guidelines via mail.	Chaptered 739
S3572	BRESLIN	Permits insurers to make available multiple rating programs for commercial insurance within the same company.	Chaptered 194
S3577	BRESLIN	Requires the department of financial services, in consultation with the department of taxation and finance, to conduct a study regarding insurance or other risk mitigation tools and third-party payroll service providers; provides that the superintendent of financial services shall submit a report to the governor, the temporary president of the senate and the speaker of the assembly of the department's findings, conclusions, and recommendations.	Chaptered 186

S4155A	COMRIE	Requires the superintendent of financial services to conduct a review of the classification used by authorized insurers in this state issuing auto insurance coverage for commuter vans, ambulette or paratransit vehicles, including coverage in the assigned risk plan; makes related provisions.	Vetoed Memorandum 50
S4329	BRESLIN	Authorizes life insurers to establish wellness programs in conjunction with the issuance of life insurance policies; provides for full or partial reimbursement for the cost of a device and associated subscription that can be used to track activity and/or biometric data; provides for discounts on life insurance and on products or services intended to incent positive behavioral changes.	Vetoed Memorandum 150
S4620C	BRESLIN	Requires health plans operating in the state to furnish the cost, benefit, and coverage data as required to the enrollee, his or her health care provider, or the third-party of his or her choosing.	On the Governor's Desk
S4856	REICHLIN-MELNICK	Requires policies and contracts that provide coverage for prescription drugs to include coverage of an immediate additional thirty-day supply of a prescription drug during a state disaster emergency.	On the Governor's Desk

S5299A	RIVERA	Requires any third-party payments, financial assistance, discount, voucher or other price reduction instrument for out-of-pocket expenses made on behalf of an insured individual for the cost of prescription drugs to be applied to the insured's deductible, copayment, coinsurance, out-of-pocket maximum, or any other cost-sharing requirement when calculating such insured individual's overall contribution to any out-of-pocket maximum or any cost-sharing requirement.	Chaptered 736
S5690	HARCKHAM	Relates to prohibiting insurance companies from imposing co-payments for treatment at an opioid treatment program.	Chaptered 734
S5909	KAMINSKY	Prohibits the application of fail-first or step therapy protocols to coverage for the diagnosis and treatment of mental health conditions.	Vetoed Memorandum 140
S6028	BRESLIN	Allows insurers to dispense with or defer inspections of private passenger automobiles prior to the provision of coverage for physical damage thereto.	Vetoed Memorandum 34
S6574A	KENNEDY	Requires blanket health insurance policies to provide coverage for outpatient treatment by mental health practitioners (mental health counsellors, marriage and family therapists, creative arts therapists and psychoanalysts) licensed pursuant to article 163 of the education law.	On the Governor's Desk
S6666	BRESLIN	Modifies certain interest rates for life insurance within the standard nonforfeiture law.	Chaptered 443

S7199A	GOUNARDES	Prohibits certain provisions in health plan contracts including most-favored-nation provisions and restrictions on disclosure of actual claim costs, prices or quality in certain situations.	Chaptered 665
S7263A	LIU	Requires health insurers to provide an insurer or subscriber who is a victim of domestic violence, upon request of such insurer or subscriber, with the option to designate alternative contact information for the purpose of receiving specific claim information or for specific billing purposes.	Chaptered 579
S7475B	BAILEY	Provides for regulating immigration bail businesses including restrictions on who may operate such a business; provides for who may bring an action against an immigration bail business.	Chaptered 673
S7658B	KAPLAN	Prohibits an insurer from cancelling, refusing to issue, refusing to renew, or increasing the premium of a policy solely on the basis that one or more claims have been made against any policy during the preceding sixty months for a loss that is the result of a hate crime.	Chaptered 676
S7744A	BRESLIN	Provides that purchasers of dividend paying annuities shall be considered a separate class of annuitants from purchasers of annuities that do not pay dividends.	On the Governor's Desk

S7881	STAVISKY	Relates to providing coverage and information on chest wall reconstruction surgery after a mastectomy or partial mastectomy; provides that aesthetic flat closure be included in information provided to patients and in insurance coverage.	Chaptered 571
S8127	BRESLIN	Simplifies the excess line insurance placement affidavit requirements.	On the Governor's Desk
S8315A	GIANARIS	Prohibits insurers from excluding, limiting, restricting, or reducing coverage on a homeowners' insurance policy based solely on the insured harboring or owning a specific breed of dog.	Chaptered 679
S8902	BRESLIN	Extends certain provisions relating to medical malpractice insurers.	Chaptered 637
S9080B	HINCHEY	Prohibits medical malpractice insurance companies from taking any adverse action against an abortion or reproductive health care provider who performs an abortion or provides reproductive health care that is legal in the state of New York on someone who is from out of the state.	Chaptered 221
S9344	CLEARE	Makes technical corrections to law references in the insurance law; eliminates certain gender-specific language relating to the superintendent of insurance.	Chaptered 435
S9367	BRESLIN	Requires motor vehicle liability insurance policies to include supplemental spousal liability coverage unless the insured declines such coverage in writing.	Chaptered 735

SUMMARY OF COMMITTEE ACTIVITY

Bill No	Sponsor	Summary	Significant Action
S502	BRESLIN	Permits an insurer to rescind or retroactively cancel a policy in circumstance involving an accident staged to defraud an insurer.	Passed Senate
S688	HOYLMAN	Relates to requiring insurance coverage for pre-exposure prophylaxis for the prevention of HIV and post-exposure prophylaxis to prevent HIV infection.	Chaptered 721
S714	BRESLIN	Relates to medical malpractice excess line insurance.	Passed Senate
S815	BIAGGI	Authorizes health insurers and health maintenance organizations, subject to the approval of the superintendent of financial services, to provide actuarially appropriate reductions in health insurance premiums or other benefits or enhancements for an enrollee's or insured's participation in a qualified wellness program.	Passed Senate
S906B	SANDERS	Requires certain providers of health care policies to provide coverage for colorectal cancer early detection in accordance with the American cancer society guidelines; requires the insurance carriers to notify enrollees of such coverage and screening guidelines via mail.	Chaptered 739

S1187A	GIANARIS	Prohibits the imposition of different premium rates for disability insurance based on gender.	Passed Senate
S1413	RIVERA	Lowers the cost sharing cap for insulin from one hundred dollars to thirty dollars.	Passed Senate
S1843A	SKOUFIS	Requires bodily injury be covered under supplementary uninsured/underinsured motorist insurance coverage for police vehicles.	Passed Senate
S3572	BRESLIN	Permits insurers to make available multiple rating programs for commercial insurance within the same company.	Chaptered 194
S3577	BRESLIN	Requires the department of financial services, in consultation with the department of taxation and finance, to conduct a study regarding insurance or other risk mitigation tools and third-party payroll service providers; provides that the superintendent of financial services shall submit a report to the governor, the temporary president of the senate and the speaker of the assembly of the department's findings, conclusions, and recommendations.	Chaptered 186
S3579A	BRESLIN	Relates to licensing of independent insurance adjusters by waiving requirements regarding a written examination if the applicant holds a claim certification from a national or state-based claims association.	Passed Senate

S4155A	COMRIE	Requires the superintendent of financial services to conduct a review of the classification used by authorized insurers in this state issuing auto insurance coverage for commuter vans, ambulette or paratransit vehicles, including coverage in the assigned risk plan; makes related provisions.	Vetoed Memorandum 50
S4282	BRESLIN	Relates to certain voidable transfers affecting a federal home loan bank including injunctions and the conduct of delinquency proceedings against insurers domiciled in this state.	Senate Calendar
S4327C	MAYER	Requires the superintendent of financial services to make public any rate filing or application submitted by long term care insurance carriers; requires certain notices be provided to policyholders and certificate holders regarding premium rate increases; requires the superintendent ensure the proper standard for minimum ratio losses when establishing minimum benefit standards.	Passed Senate
S4329	BRESLIN	Authorizes life insurers to establish wellness programs in conjunction with the issuance of life insurance policies; provides for full or partial reimbursement for the cost of a device and associated subscription that can be used to track activity and/or biometric data; provides for discounts on life insurance and on products or services intended to incent positive behavioral changes.	Vetoed Memorandum 150

S4620C	BRESLIN	Requires health plans operating in the state to furnish the cost, benefit, and coverage data as required to the enrollee, his or her health care provider, or the third-party of his or her choosing.	On the Governor's Desk
S4856	REICHLIN-MELNICK	Requires policies and contracts that provide coverage for prescription drugs to include coverage of an immediate additional thirty-day supply of a prescription drug during a state disaster emergency.	On the Governor's Desk
S5299A	RIVERA	Requires any third-party payments, financial assistance, discount, voucher or other price reduction instrument for out-of-pocket expenses made on behalf of an insured individual for the cost of prescription drugs to be applied to the insured's deductible, copayment, coinsurance, out-of-pocket maximum, or any other cost-sharing requirement when calculating such insured individual's overall contribution to any out-of-pocket maximum or any cost-sharing requirement.	Chaptered 736
S5690	HARCKHAM	Relates to prohibiting insurance companies from imposing co-payments for treatment at an opioid treatment program.	Chaptered 734
S5909	KAMINSKY	Prohibits the application of fail-first or step therapy protocols to coverage for the diagnosis and treatment of mental health conditions.	Vetoed Memorandum 140

S6028	BRESLIN	Allows insurers to dispense with or defer inspections of private passenger automobiles prior to the provision of coverage for physical damage thereto.	Vetoed Memorandum 34
S6574A	KENNEDY	Requires blanket health insurance policies to provide coverage for outpatient treatment by mental health practitioners (mental health counsellors, marriage and family therapists, creative arts therapists and psychoanalysts) licensed pursuant to article 163 of the education law.	On the Governor's Desk
S6666	BRESLIN	Modifies certain interest rates for life insurance within the standard nonforfeiture law.	Chaptered 443
S6667	BRESLIN	Reduces the minimum nonforfeiture interest rate for annuities from one percent to one half of one percent for annuities during the surrender charge period, and from one percent to fifteen hundredths of one percent during any contract period with no surrender charge.	Passed Senate
S7199A	GOUNARDES	Prohibits certain provisions in health plan contracts including most-favored-nation provisions and restrictions on disclosure of actual claim costs, prices or quality in certain situations.	Chaptered 665
S7263A	LIU	Requires health insurers to provide an insurer or subscriber who is a victim of domestic violence, upon request of such insurer or subscriber, with the option to designate alternative contact information for the purpose of receiving specific claim information or for specific billing purposes.	Chaptered 579

S7475B	BAILEY	Provides for regulating immigration bail businesses including restrictions on who may operate such a business; provides for who may bring an action against an immigration bail business.	Chaptered 673
S7506	ADDABBO	Requires certain health and casualty insurers to provide coverage for prenatal vitamins.	Passed Senate
S7658B	KAPLAN	Prohibits an insurer from cancelling, refusing to issue, refusing to renew, or increasing the premium of a policy solely on the basis that one or more claims have been made against any policy during the preceding sixty months for a loss that is the result of a hate crime.	Chaptered 676
S7744A	BRESLIN	Provides that purchasers of dividend paying annuities shall be considered a separate class of annuitants from purchasers of annuities that do not pay dividends.	On the Governor's Desk
S7881	STAVISKY	Relates to providing coverage and information on chest wall reconstruction surgery after a mastectomy or partial mastectomy; provides that aesthetic flat closure be included in information provided to patients and in insurance coverage.	Chaptered 571
S7917A	REICHLIN-MELNICK	Requires the department of financial services to fulfill certain requirements to implement homeowner natural disaster preparedness, home safety and loss prevention courses, by issuing a request for proposal and acting on such requirements of part BB of chapter 54 of the laws of 2016.	Senate Calendar

S8126	BRESLIN	Rpld Chap 124 of 1952 Authorizes and empowers the College Retirement Equities Fund (CREF) to merge with the Teachers Insurance and Annuity Association (TIAA) with CREF ceasing to be a corporate entity and TIAA as the surviving entity.	Senate Calendar
S8127	BRESLIN	Simplifies the excess line insurance placement affidavit requirements.	On the Governor's Desk
S8128	BRESLIN	Permits a waiver of the diligent effort requirement in limited circumstances for certain insurance coverage to be placed by licensed excess line brokers with unauthorized insurers where a retail producing insurance broker seeks to procure or place commercial lines insurance through an unaffiliated wholesale excess line insurance broker.	Passed Senate
S8134	BRESLIN	Provides that certain charitable annuities may be unisex in nature and shall be computed on the basis of currently applicable mortality tables for calculating the reserves for individual annuities; makes related provisions.	Passed Senate
S8156	PERSAUD	Requires certain insurance policies and Medicaid to allow patients a one hundred twenty-day window for additional screening for breast cancer, which may include an additional mammogram, when the provider deems such screening is necessary.	Passed Senate

S8191	BRESLIN	Requires a utilization review agent to follow certain rules when establishing a step therapy protocol; requires that the protocol accepts any attestation submitted by the insured's health care professional stating that a required drug has failed as prima facie evidence that the required drug has failed.	Passed Senate
S8299	BRESLIN	Exempts health care professionals from preauthorization requirements where the insurer or health care plan has approved not less than ninety percent of such professional's preauthorization requests in the preceding six-month evaluation period.	Senate Calendar
S8315A	GIANARIS	Prohibits insurers from excluding, limiting, restricting, or reducing coverage on a homeowners' insurance policy based solely on the insured harboring or owning a specific breed of dog.	Chaptered 679
S8404	BRESLIN	Relates to mortgage guaranty insurance.	Passed Senate
S8549	PERSAUD	Requires health insurers to provide coverage for procedures relating to the diagnosis and treatment of uterine fibroids and related conditions, including pain, discomfort and infertility resulting therefrom.	Passed Senate
S8886	SANDERS	Allows for certain notices related to property/casualty insurance contracts under the workers' compensation law and the vehicle and traffic law to be delivered by electronic means.	Senate Calendar

S8901	CLEARE	Relates to reducing the cost of prescription drugs by establishing maximum wholesale drug prices that are the same as the prices in Canada.	Senate Calendar
S8902	BRESLIN	Extends certain provisions relating to medical malpractice insurers.	Chaptered 637
S9006	BRESLIN	Relates to group capital calculations, liquidity stress tests and confidentiality; authorizes the promulgation of regulations and the payment of certain expenses. Department of Financial Services	Passed Senate
S9080B	HINCHEY	Prohibits medical malpractice insurance companies from taking any adverse action against an abortion or reproductive health care provider who performs an abortion or provides reproductive health care that is legal in the state of New York on someone who is from out of the state.	Chaptered 221
S9344	CLEARE	Makes technical corrections to law references in the insurance law; eliminates certain gender-specific language relating to the superintendent of insurance.	Chaptered 435
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