NEW YORK STATE
DEPARTMENT OF FINANCIAL SERVICES
FIFTY-EIGHTH AMENDMENT TO 11 NYCRR 52
(INSURANCE REGULATION 62)

MINIMUM STANDARDS FOR FORM, CONTENT AND SALE OF HEALTH INSURANCE, INCLUDING STANDARDS OF FULL AND FAIR DISCLOSURE

I, Linda A. Lacewell, Superintendent of Financial Services of the State of New York, pursuant to the authority granted by Sections 202 and 302 of the Financial Services Law and Sections 301, 3216, 3217, 3217-h, 3221, 4303, 4306-g of the Insurance Law, do hereby promulgate the Fifty-Eighth Amendment to Part 52 of Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Insurance Regulation 62), to take effect upon filing with the Secretary of State, to read as follows:

(ALL MATERIAL IS NEW)

Section 52.16(q) is added as follows:

(q)(1) During the state of emergency declared by the governor of this State related to the novel coronavirus (COVID-19), no policy or contract delivered or issued for delivery in this State that provides comprehensive coverage for hospital, surgical, or medical care shall impose, and no insured shall be required to pay, copayments, coinsurance, or annual deductibles for an in-network service delivered via telehealth when such service would have been covered under the policy if it had been delivered in person.

(2) An insurer shall provide written notification to its in-network providers that they shall not collect any deductible, copayment, or coinsurance in accordance with this subdivision.

(3) *Telehealth* means the use of electronic information and communication technologies, including the telephone, by a health care provider to deliver health care services to an insured while such insured is located at a site that is different from the site where the health care provider is located, pursuant to Insurance Law sections 3217-h and 4306-g.

NEW YORK STATE OF OPPORTUNITY. Department of Financial Services

ANDREW M. CUOMO
Governor

LINDA A. LACEWELL
Superintendent

CERTIFICATION

I, Linda A. Lacewell, Superintendent of Financial Services, do hereby certify that the foregoing is the Fifty-Eighth Amendment to Part 52 of Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Insurance Regulation 62), entitled "Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure," signed by me on March 16, 2020, pursuant to the authority granted by Sections 202 and 302 of the Financial Services Law and Sections 301, 3216, 3217, 3217-h, 3221, 4303, and 4306-g of the Insurance Law, to take effect upon filing of the Notice of Emergency Adoption with the Secretary of State.

Pursuant to Section 202(6) of the State Administrative Procedure Act, the Fifty-Eighth Amendment to 11 NYCRR 52 (Insurance Regulation 62) is being promulgated as an emergency measure. A statement of the specific reasons for the finding of the need for emergency action is attached.

Linda A. Lacewell
Superintendent of Financial Services

Date: March 16, 2020

Statement of the Reasons for the Emergency Measure
Fifty-Eighth Amendment to 11 NYCRR 52
(Insurance Regulation 62)

The novel coronavirus ("COVID-19") was first detected in China and had not been previously found in humans. There are thousands of confirmed cases in China, and an increasing number of cases are being confirmed worldwide. Cases of COVID-19 have been confirmed in the United States, including New York. The Centers for Disease Control advised that COVID-19 seems to be spreading easily and sustainably in communities in affected areas. Given the public health implications of an increasing number of cases, it is essential that insureds continue to have access to health care services and not overwhelm the health care system. This amendment prohibits authorized insurers and health maintenance organizations (collectively, "health care plans") that provide comprehensive coverage for hospital, surgical, or medical care from imposing, and states that no insured shall be required to pay, copayments, coinsurance, or annual deductibles for an in-network service otherwise covered under the policy when such service is delivered via telehealth during the state of emergency declared by Governor Cuomo related to COVID-19. The amendment requires every health care plan to provide written notification of the requirements of the amendment to its in-network health care providers ("providers") to ensure that the providers do not require any insured to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed pursuant to the amendment. This notification should ensure that providers do not collect a copayment, coinsurance, or annual deductible for telehealth services provided during the state of emergency declared by Governor Cuomo related to COVID-19.

Given the public health implications of an increasing number of cases, it is essential that New Yorkers continue to be able to access health care services in a way that limits the spread of COVID-19. The waiver of copayments, coinsurance, and annual deductibles for in-network telehealth services is necessary to ensure that people continue to have access to health care services in a way that limits in-person exposure. Additionally, encouraging people who do not need emergency care to use telehealth services alleviates the stress that COVID-19 is putting on our health care system, in particular, the number of patients in emergency departments. Failure to encourage the use of telehealth services could result in the further spread of this epidemic and could jeopardize the health and safety of the people of New York.

Since the crisis involving COVID-19 is constantly evolving as the virus spreads across the United States and New York, and to ensure that New Yorkers continue to have access to health care services in a way that limits the spread of COVID-19, it is imperative that this amendment be promulgated on an emergency basis for the preservation of public health.

Linda A. Lacewell
Superintendent of Financial Services

Dated: March 16, 2020