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May 6, 2022

RE: 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

S.7263 (Liu)  
A.2519 (Cymbrowitz)

**MEMORANDUM IN OPPOSITION**

Submitted on behalf of the Blue Cross and Blue Shield Plans

The New York State Conference of Blue Cross and Blue Shield Plans opposes enactment of this legislation, as the Insurance Law already provides a mechanism that requires health insurers to accommodate a reasonable request by a covered individual to establish an alternative address or use alternative means of communication if the release of claims related information poses a threat to the covered person. Indeed, the Insurance Law was amended in 2012 to address the very issue this legislation purports to remedy by requiring insurers to accommodate requests to receive communications of "claims related information" at an alternative location or by alternative means. As drafted, this bill requires victims of domestic violence to meet a higher threshold than currently required for designating an alternative address or contact information. As a result, this bill would result in a step backwards for victims of domestic violence.

In 2012, Insurance Law §2612(h) was added to require all health insurers to accommodate reasonable requests from covered persons to receive communications of "claims related information" at an alternative location or by alternative means. Claims related information was broadly defined to include "all claim or billing information relating specifically to an insured, subscriber or person covered by an insurance policy or contract issued by the health insurer." The Sponsor's Memorandum notes that examples of alternative locations could include the home of a friend or family member, a post office box, or a shelter. Pursuant to that enacted legislation, a reasonable request must be honored if the person clearly states that disclosure of all or part of the information could endanger such person. Health insurers are prohibited from requiring an explanation as to the basis for the request, and can only mandate that the request: (1) be made in writing; (2) contain a statement that disclosure would endanger the person; (3) and specify the alternate contact information.

The Department of Financial Services (“DFS”) has already promulgated and adopted regulations regarding such confidentiality protocols. The regulations require health insurers to implement confidentiality protocols to prevent the disclosure of information when a member makes a reasonable request to receive communications of claims-related information by alternative means or at alternative locations; and must prevent the disclosure of the information to another member covered under the policy. Further, these regulations require health insurers to post notice of such safeguards on their websites that set forth the process for related requests.

Therefore, this bill is unnecessary in light of the existing provisions contained in Insurance Law § 2612(h). For the foregoing reasons, the New York State Conference of Blue Cross and Blue Shield Plans opposes this legislation and urges that it not be enacted.

Respectfully submitted,

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