



REQUIRED STATE OF NEW YORK NOTICE

April 21, 2020

Horst Insurance New York State Clients – Health Insurance

RE: NY Regulations 1 NYCRR Section 52

Dear State of New York Client:

It has been, and continues to be, a pleasure to be of service to you with regard to your insurance needs, and we hope this letter finds you and yours well and safe during these unprecedented and trying times.

We are providing you with this notice in response to emergency measures recently implemented in New York, and which have been put in place in order to provide safeguards for insurance policyholders or contract holders facing financial hardship due to the COVID-19 pandemic.

To that end, on April 7, 2020, New York Governor Andrew Cuomo issued Executive Order No. 202.14 (**Executive Order**), which temporarily modified New York Insurance Law Sections 3216(d)(1)(C) and 4306(g). In addition, the Executive Order granted the Superintendent of the New York Department of Financial Services (**NYDFS**) the authority to promulgate Emergency Amendments to Insurance Regulation 62 to implement the Executive Order, subject to consideration by the Superintendent of the liquidity and solvency of the applicable health insurer or health maintenance organization (HMO), to **(1)** extend the period for the payment of premiums to the later of the expiration of the applicable contractual grace period, and 11:59 p.m. on June 1, 2020 for any comprehensive health insurance policyholder or contract holder under an individual policy and for any small group or student blanket comprehensive health insurance policy, or any child health insurance plan policy where the policyholder or contract holder pays the entire premium, for any such policyholder or contract holder who is facing a financial hardship as a result of the COVID-19 pandemic; **(2)** require that such insurer or HMO be responsible for the payment of claims during such period; and **(3)** bar such insurer or HMO from retroactively terminating the insurance policy for non-payment of premium during such period.

Further, with regard to any such individual, small group, or student blanket comprehensive health insurance policyholder or contract holder who does not make a timely premium payment, and can demonstrate financial hardship as a result of the COVID-19 pandemic, the applicable insurer, HMO, or student health plan: **(1)** shall not impose any late fees relating to such premium payment; **(2)** shall not report the policyholder or contract holder to a credit reporting agency or refer the policyholder or contract holder to a debt collection agency with respect to such premium payment; and **(3)** shall provide information to the policyholder or contract holder regarding alternate policies available from the insurer, HMO, or student health plan and provide contact information for the NY State of Health.

A copy of the Governor's Executive Order can be found at <https://www.governor.ny.gov/news/no-20214-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>. In addition, a copy of the applicable NYDFS regulation dated and issued on April 7, 2020, can be found at https://www.dfs.ny.gov/system/files/documents/2020/04/re62_a59_text.pdf.

Please note that the grace periods and rights set forth in the Executive Order and Emergency Regulation are currently in effect, but are temporary, though they may be extended by subsequent Executive Order(s) and regulations.

Please check the NYDFS's website at <https://www.dfs.ny.gov/consumers/coronavirus> for updates.

How to Demonstrate Financial Hardship

If you, as an affected policyholder or contract holder, are facing financial hardship as a result of the COVID-19 pandemic, an insurer, HMO, or student health plan is required to accept a written attestation from an individual, small group, or student blanket comprehensive policyholder or contract holder as proof of financial hardship as a result of the COVID-19 pandemic.

Questions

If you have any questions regarding your rights under the Executive Order or Emergency Regulation, please contact either Horst Insurance, your insurance company, your insurance broker, or your premium finance agency.

All of us at Horst Insurance remain available to assist you with your ongoing needs, and hope that we continue to provide the kind of service you expect and deserve. Please do not hesitate to contact us if you have any questions regarding this notice.

Sincerely,

Horst Insurance

800-533-2011