

April 18, 1978

SUBJECT: INSURANCE

WITHDRAWN

CIRCULAR LETTER NO. 8

April 18, 1978

TO: ALL ARTICLE 9-C CORPORATIONS

RE: CONFIDENTIALITY OF INFORMATION FURNISHED BY SOCIAL SERVICES AGENCIES

Section 251-a of the Insurance Law, effective April 12, 1977, requires health insurance companies to furnish health insurance coverage information to the New York State Department of Social Services or to local social services districts upon request.

By cooperative agreement between the Commissioner of the State Department of Social Services and the Superintendent of the State Department of Insurance, mutually agreeable procedures for requesting and furnishing appropriate information, not inconsistent with any law pertaining to the confidentiality and privacy of medical records, have been established, to be effective simultaneously with the guidelines hereinafter set forth.

Pursuant to subdivision four of Section 251-a, the following guidelines are hereby established to assure that information relating to an individual certified to be an applicant for or recipient of medical assistance, furnished to any insurance company pursuant to this section, is used only for the purpose of identifying the records or information requested in such manner so as not to violate the confidentiality provisions of the Social Services Law:

(1) No corporation subject to the provisions of Article 9-C of the Insurance Law shall request of the New York State Social Services Department or of any local social services district any information pertaining to an applicant for or recipient of medical assistance other than is necessary to identify the records or information requested by said social services agency concerning such applicant or recipient.

(2) No such corporation, nor any officer, agent, or employee thereof, shall make any use of information furnished by a social services agency concerning an applicant for or recipient of medical assistance other than for the purpose of identifying the records it may have pertaining to such individual and of transmitting information contained therein to the requesting agency.

(3) Every such corporation shall designate in writing to the Superintendent of Insurance the officer who shall be primarily responsible for maintaining the security and confidentiality of information received in effectuation of the mandate of Section 251-a.

(4) Said designated officer shall maintain a register of those persons authorized to receive or have access to information furnished by the social services agencies aforesaid, and the date on which authorization was conferred.

(5) At the beginning of every even-numbered month said designated officer shall submit to the Insurance Department a transcript made from said register, identifying all persons then authorized to receive or have access to

information furnished by social services agencies as aforesaid, as well as those persons who had been so authorized during the two months preceding, together with the dates on which authorization was given and terminated.

(6) No person shall be authorized to have access to or make use of the information furnished by the social services agencies aforesaid unless that person shall first have been advised that violation of the strictures herein set forth may result in criminal prosecution, pursuant to Section 5 of the Insurance Law.

(7) The instruction contemplated hereinabove shall be given orally to prospective authorized persons by the designated officer aforesaid, who shall also furnish a copy of this letter to each such person and secure from each such person written acknowledgement that such person has received said copy and has read the same.

[SIGNATURE]

ALBERT B. LEWIS

Superintendent of Insurance