

Instructions for Notification by Issuers for Individual Hospital/Medical Policies That Will Not be Available in 2018

1. Notification of the planned discontinuance of an individual policy should be submitted as an informational filing to the DFS Health Bureau **at least 30 business days prior to any notices of discontinuance being mailed** to policyholders. The submission should be sent electronically via e-mail to the attention of Lydia Hoffman, Associate Insurance Attorney at Lydia.Hoffman@dfs.ny.gov with a copy to Mary.Burns@dfs.ny.gov. Notices should **not** be submitted via SERFF.
2. The Notification to DFS shall include at least the following information:
 - a. The name of the insuring entity, the policy form numbers, the type of coverage, and the marketing names (including any Marketplace naming conventions) of the insurance targeted for discontinuance;
 - b. an explanation of the reason for the discontinuance;
 - c. for each market segment (on and off the Marketplace), the total number of insured members, the number of members in each county impacted by the discontinuance, and confirmation that these counties constitute the entire geographic area in which the company offers health insurance products;
 - d. confirm that the date of discontinuance will be December 31, 2017;
 - e. the date or dates that the issuer intends to mail or deliver the notice to all policyholders and covered employees and member insureds.
 - f. a general description of the policies that will be offered by the issuer in the individual market for 2018 on and off the Marketplace; and
 - g. for off Marketplace policies, whether the issuer has designated or will automatically assign a default replacement policy. For Marketplace policies, whether the issuer has suggested a specific Marketplace replacement policy.
3. Issuers must use the model discontinuance notices available on the DFS website. Notices of discontinuance should be included with the issuer's notification submission to DFS described above.
4. Issuers who are required by Insurance Law § 4304(c)(2)(C)(i) to provide notice by August 1st should send a second reminder notice in October when information is available about replacement coverage offered in 2018. The notice should remind policyholders they must enroll in a new policy during the open enrollment period in order to avoid gaps in coverage and, where applicable, provide information about rates and benefits of replacement policies.

5. Issuers are reminded of the requirement at 42 CFR § 155.205(c) to provide taglines in non-English languages for those who are limited English proficient.

See CMS Guidance here:

<https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/Language-access-guidance.pdf>

Languages required for New York are available at:

<https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/Appendix-A-Top-15.pdf>

Translations by CMS are available at:

<https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/Appendix-B-Sample-Translated-Taglines.pdf>