Assessment of public comments for the Revised Proposed 54th Amendment to 11 NYCRR 52 (Insurance Regulation 62)

The New York State Department of Financial Services (“Department”) received comments from health service providers and advocacy organizations (the “commenters”). The comments were supportive of the proposed amendment. However, the commenters made a request of the Department when implementing the amendment.

Comment: The proposed amendment permits the Superintendent of Financial Services (“Superintendent”) to develop a standard exception form that an attending health care provider may use to prescribe a particular U.S. Food and Drug Administration-approved contraceptive drug, device or product based on a determination of medical necessity for an insured, and requires the insurer to accept the standard exception form submitted by the insured’s attending health care provider. The commenters requested that DFS clearly identify a narrow time frame, not to surpass 72 hours, by which insurers must act upon a health service provider’s exception request.

Response: The Department made the requested change in the amendment. Under the revised amendment, insurers must act upon a standard exception request within 72 hours, or 24 hours for an expedited exception request involving exigent circumstances.