

Instructions for Notification by Issuers for Small Group or Large Group Hospital/Medical Policies That Will Not be Available in 2023

1. Notification of a planned discontinuance of a group 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 and/or insured members. The submission should be sent electronically via e-mail to the attention of Kimberly Luke at Kimberly.Luke@dfs.ny.gov with a copy to Melissa.Morra@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 for small group policies) of the insurance targeted for discontinuance;
 - b. an explanation of the reason for the discontinuance;
 - c. whether the discontinuance will occur in the small group market, the large group market, or both markets;
 - d. a certification to the Superintendent by an officer or director of the issuer in a written narrative that the issuer has complied with the requirements of Insurance Law §§ 3221(p)(3)(A)(i), (ii) and (iii) or 4305(j)(3)(A)(i), (ii) and (iii), as applicable;
 - e. the date or dates that the issuer intends to mail or deliver the notice to all policyholders and covered employees and member insureds. The issuer must notify the DFS Health Bureau of the actual date within seven days of the completion of the mailing or delivery of the notices;
 - f. for each market segment (small group and large group), the total number of insured members and the number of groups and members in each county impacted by the discontinuance. For small group coverage, this information should be provided separately for policies on and off the Marketplace (or for policies that are or are not SHOP certified, if applicable) and confirmation that these counties constitute the entire geographic area in which the company offers health insurance products;
 - g. the intended discontinuance date and confirmation that the date is consistent with the terms of the policy being discontinued, provided, however, that issuers should strive to implement the discontinuance upon renewal dates in order to minimize market disruption;

- h. a general description of the policies that will be offered by the issuer in the small and large group markets for 2023 (for small group coverage provide such information for policies that are and are not SHOP certified);
 - i. whether the issuer has designated or will automatically assign a default replacement policy; and
 - j. the name, phone number, e-mail address and fax number of the person or persons whom the issuer has designated to handle questions posed by DFS.
- 3. Issuers must use the model discontinuance notices for group policyholders, group members and the attachments available on the DFS website. Notices of discontinuance should be included with the issuer's notification submission to DFS described above.
- 4. Issuers are reminded that notices pursuant to Insurance Regulation 78 and Ian's Law are required to be provided to those insured under a group policy. Please use the model notices on the DFS website for these attachments to the discontinuance notices.
- 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-51916-ea-MM-508.pdf>