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MEMORANDUM IN OPPOSITION

FOR IMMEDIATE RELEASE: APRIL 25, 2021

Re: A.2519 (Cymbrowitz) – AN ACT to amend the insurance law, in relation to allowing victims of domestic violence the opportunity to designate an alternate address for health insurance claims or billing purposes

This legislation, A.2519, would require health insurers to provide victims of domestic violence with the option of providing alternative contact information so that they may be able to access their claims information and benefits in a manner that shields and protects them from their abuser. While well intentioned, the bill is unnecessary as such protections already exist in current law. Accordingly, the New York Health Plan Association (HPA) opposes this bill.

Current New York Insurance Law requires that a health insurer shall accommodate a “reasonable request by a person covered by an insurance policy or contract issued by the health insurer to receive communications of claim related information from the health insurer by alternative means or at alternative locations if the person clearly states that disclosure of all or part of the information could endanger the person.” In addition, this existing law has provisions to protect any person covered by an insurance policy issued to another person as the policyholder when there is a valid order of protection against the policyholder. These include prohibiting an insurer from disclosing to the policyholder the address and telephone number of the insured, or of any person or entity providing covered services to the insured.

The Department of Financial Services requires insurers to develop and implement confidentiality protocols that include written procedures by which a person may make a reasonable request to receive communications of claim related information by alternative means or at alternative locations, as well as procedures for revoking such a request. The Department has also drafted a sample confidential communication request form that a health insurer may provide to domestic violence victims to submit requests.

In HPA’s opinion, in terms of providing protections to victims, there is no meaningful difference to what is included in the bill and what current law covers. If anything, it appears to impose a higher bar that a statement made under oath must accompany the request. Neither current law nor the DFS form require an oath in order to access the protective measures.

For all these reasons, the New York Health Plan Association urges your opposition to A.2519.

The New York Health Plan Association represents 28 managed care health plans that provide comprehensive health care services to nearly 8 million New Yorkers.