

COVID-19 NEWS OF INTEREST

COVID-19: Key New York Insurance Regulatory Measures Affecting Policyholders, Insurers and Producers

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On March 30, the New York State Department of Financial Services (“DFS”) issued Regulation 216 “Insurer Practices During the COVID-19 Pandemic” as well as amendments to other insurance and related regulations (the “Consolidated Emergency Regulation”) that are intended to provide certain relief to policyholders, contract holders and insureds who can demonstrate financial hardship as a result of the coronavirus disease 2019 (“COVID-19”) pandemic. The Consolidated Emergency Regulation follows other emergency regulations, circular letters and regulatory guidance requiring payment accommodations and grace periods for the benefit of policyholders affected by COVID-19 and providing accommodations to regulated insurance entities with respect to regulatory filings and renewals. These actions address many sectors of the insurance industry including health, life, and property and casualty insurance, and key regulatory directives resulting from these actions are summarized in the chart set forth below.¹

On March 7, 2020, New York Governor Andrew Cuomo (the “Governor”) issued Executive Order Number 202 declaring a Disaster Emergency for the state of New York. During a Disaster Emergency, New York’s Executive Law authorizes the Governor to issue executive orders that temporarily suspend any statute, local law, ordinance, or any agency’s orders, rules or regulations in whole or in part, if compliance with them would prevent, hinder, or delay action necessary to cope with the disaster, or as necessary to assist or aid in coping with the disaster. Pursuant to this authority, on March 29, 2020, the Governor issued Executive Order 202.13, temporarily suspending or modifying through April 28, 2020, several

¹ The information set forth herein reflects the actions of the DFS through April 6, 2020.

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sections and articles of the New York Insurance Law as well as provisions of laws related to insurance, such as the Workers' Compensation Law and Banking Law.

Executive Order 202.13 authorizes the Superintendent of Financial Services of the state of New York (the "Superintendent") to promulgate and amend regulations, including provisions of Title 11 of the Official Compilation of Codes, Rules and Regulations (the "Insurance Regulations") on an emergency basis to give effect to its directives. Under New York law, the State Administrative Procedures Act typically requires an agency to take certain steps before amending or promulgating a regulation, such as submitting notice of proposed rule-making for public comment, and, in some cases, a public hearing. However, a state agency, such as the DFS, may dispense with these procedural requirements if it finds that immediate adoption of a rule is necessary for the preservation of the public health, safety or general welfare and that compliance with the rule-making process would be contrary to the public interest. The DFS has promulgated the regulations described in the chart below through this emergency rule-making process. The chart identifies key insurance regulatory developments and guidance issued by the DFS in response to COVID-19.

In addition, we note that on March 27, 2020, the New York State Assembly introduced [Assembly Bill Number 10226](#) which would, notwithstanding any other provision of law or regulation to the contrary, expand business interruption coverage provided to businesses with 100 or fewer eligible employees to include, within the covered perils, coverage for business interruption during a period of a declared state of emergency due to COVID-19 perils. Such coverage would be subject to a policyholder's limit of liability. The bill would establish a process by which insurers providing such coverage may obtain reimbursement from funds collected by the DFS from insurers authorized to do business in the state. If passed, the bill would take effect immediately and be retroactive to March 7, 2020. The New York State Senate has not introduced a companion bill.

We have described below, in reverse chronological order, key actions by the DFS responding to COVID-19 since early March, organized by industry sector and/or insurance licensees. We have used the term "licensees" to refer to companies or individuals licensed by the DFS. We anticipate that as responses to COVID-19 develop in the coming weeks and months, the DFS and the Governor will act on an emergency basis to address changing circumstances. We will update this report as such actions arise.

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Willkie has multidisciplinary teams working with clients to address coronavirus-related matters, including, for example, contractual analysis, litigation, restructuring, financing, employee benefits, SEC and other corporate-related matters. Please click [here](#) to access our publications addressing issues raised by the coronavirus. For advice regarding the coronavirus, please do not hesitate to reach out to your primary Willkie contacts.

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<p>Consolidated Emergency Regulation issued March 30, 2020. On March 30, 2020 the DFS issued a consolidated emergency regulation which amends three separate insurance regulations relating to credit life insurance and credit accident and health insurance, credit unemployment insurance, and premium finance agencies, and also adds a new Insurance Regulation 216. The provisions of the Consolidated Emergency Regulation are effective March 30, 2020 and expire June 28, 2020, and are intended to provide specified relief to certain policyholders, contract holders, and insureds who can demonstrate financial hardship as a result of the COVID-19 pandemic. Importantly, where proof of financial hardship resulting from the COVID-19 pandemic is required, insurers and premium finance agencies must accept a written attestation from an insured as proof of hardship resulting from the COVID-19 pandemic.</p>		
<p><u>Consolidated Emergency Regulation</u></p> <p>Insurance Regulation 216 (New)</p> <p>(11 NYCRR 229)</p> <p><i>Insurer Practices During the COVID-19 Pandemic</i></p>	<p><i>Life Insurance and Annuities</i></p> <p>Insurers authorized to write life insurance or annuities and authorized fraternal benefit societies ("<u>Life Insurers</u>")</p>	<ul style="list-style-type: none"> • Grace periods for the payment of premiums and fees set forth in group life insurance policies and certificates shall be extended to 90 days for group life insurance policyholders and certificate holders who demonstrate financial hardship as a result of the COVID-19 pandemic.
	<p><i>Life Insurance, Annuities, Property and Casualty Insurance</i></p> <p>All Life Insurers and property and casualty insurers,</p>	<ul style="list-style-type: none"> • In the event that a Policyholder, as defined below, who can demonstrate financial hardship as a result of COVID-19 fails to make a timely premium payment, Insurers are prohibited from imposing any late fees or reporting the Policyholder to a credit reporting agency or debt collection agency with respect to such payment. • An Insurer shall permit Policyholders who did not make timely premium payments due to financial hardship resulting from the COVID-19 pandemic, and who can still demonstrate such hardship, to pay the premium over a 12-month period.

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	including excess line insurers ² (“ <u>Insurers</u> ”)	<ul style="list-style-type: none"> • An Insurer shall provide certain notices related to new Insurance Regulation 216 as follows: <ul style="list-style-type: none"> ○ An Insurer shall provide notice with each premium bill of the provisions of new Insurance Regulation 216 and a toll-free number that the Policyholder may call to discuss billing and make alternative payment arrangements within 10 business days of March 30, 2020; and ○ An Insurer shall notify insurance producers and third-party administrators with whom or which the Insurer does business of the provisions of new Insurance Regulation 216. • Subsequent DFS guidance instructs that Insurers may satisfy the notice requirements by emailing notices to the consumers for which they have email addresses, even if the consumers have not consented to receiving this notice via email. The DFS emphasizes that Insurers must send the appropriate notice only to the appropriate consumers to avoid confusion, and has provided on its website both a Model Notice for Notifying Holders of Life Insurance Policies, Annuity Contracts, or Fraternal Benefit Society Certificates and a Model Notice for Notifying Holders of Certain Property/Casualty Insurance Policies that Insurers can use to satisfy the notice requirements. The DFS’s subsequent guidance also states that Insurers

² As per guidance issued by the Excess Line Association of New York (ELANY), [DFS has confirmed](#) that the Consolidated Emergency Order’s moratorium on cancellations, non-renewals and conditional non-renewals; premium payment grace period; and notice requirements applies to personal excess line policies and policyholders, but does not apply to commercial excess line policies and policyholders, regardless of the policyholder’s size.

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		<p>should post the information on their websites as soon as possible, and should maintain records of their communications that satisfy the above notice requirement</p> <ul style="list-style-type: none"> • As used herein, “<u>Policyholder</u>” includes: <ul style="list-style-type: none"> ○ “<u>Life Policyholder</u>,” which means the person to whom a life insurance policy, annuity contract, or fraternal benefit society certificate is issued, including a certificate holder under a group insurance policy or annuity contract; and ○ “<u>Property Policyholder</u>,” which means the individual or any business that is a resident of New York, is independently owned and operated, and employs 100 or fewer individuals to whom a Property/Casualty Insurance Policy is issued, including a certificate holder under a group insurance policy. <ul style="list-style-type: none"> ▪ “<u>Property/Casualty Insurance Policy</u>.” For purposes of the Consolidated Emergency Regulation, a “Property/Casualty Insurance Policy” is defined as an insurance policy, excluding commercial excess line insurance policies, that provides the following kinds of insurance as set forth in Section 1113(a) of the New York Insurance Law: fidelity and surety insurance, credit insurance, marine and inland marine insurance, marine protection and indemnity insurance, credit unemployment insurance, gap insurance, or involuntary unemployment insurance; or that is subject to Insurance Law section 1116 (prepaid legal services plans and legal services insurance) or articles 34 (addressing property/casualty insurance contracts), 53 (addressing motor vehicle assigned risk plans),

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		<p>54 (New York Property Insurance Underwriting Association), or 55 (Medical Malpractice Insurance Association) or Workers' Compensation Law section 54 or 226.</p>
	<p><i>Life Insurance and Annuities</i></p> <p>Licensed insurance producers who service in-force life and annuity contracts or fraternal benefit society certificates</p>	<ul style="list-style-type: none"> • The Consolidated Emergency Regulation requires that licensed insurance producers who service in-force life and annuity contracts or fraternal benefit society certificates shall mail or deliver notice to Life Policyholders of new provisions under the consolidated emergency regulation within 10 business days following March 30, 2020. • Subsequent DFS guidance instructs that producers may satisfy the notice requirements by emailing notices to the consumers for which they have email addresses, even if the consumers have not consented to receiving this notice via email. The DFS emphasizes that producers must send the appropriate notice only to the appropriate consumers to avoid confusion, and has provided on its website a Model Notice for Notifying Holders of Life Insurance Policies or Annuity Contracts that will satisfy the notice requirements referenced above. • The DFS's subsequent guidance also states that producers should post the information on their websites as soon as possible, and should maintain records of their communications that satisfy the above notice requirement.

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	<p><i>Property and Casualty Insurance</i></p> <p>Licensed producers who procured the Property/Casualty Insurance Policy</p>	<ul style="list-style-type: none"> Licensed insurance producers who procured the Property/Casualty Insurance Policy for a Property Policyholder shall mail or deliver notice to Property Policyholders of new provisions under the consolidated emergency regulation within 10 business days following March 30, 2020. Subsequent DFS guidance instructs that producers may satisfy the notice requirements by emailing notices to the consumers for which they have email addresses, even if the consumers have not consented to receiving this notice via email. The DFS emphasizes that producers must send the appropriate notice only to the appropriate consumers to avoid confusion, and has provided on its website a Model Notice for Notifying Holders of Certain Property/Casualty Insurance Policies that will satisfy the notice requirements referenced above. The DFS's subsequent guidance also states that producers should post the information on their websites as soon as possible, and should maintain records of their communications that satisfy the above notice requirement.
<p>Consolidated Emergency Regulation:</p> <p>Insurance Regulation 216 (New) and Amendment to 3 NYCRR 405</p>	<p><i>Life Insurance, Property and Casualty Insurance</i></p> <p>Premium finance agencies; licensed insurance producers that service in-force insurance contracts listed in a premium</p>	<p><u>Policy Cancellation:</u></p> <ul style="list-style-type: none"> Where a premium finance agency (i) is authorized by a power of attorney or other authority to cancel an insurance contract(s) specified in the premium finance contract, (ii) the insured does not make an installment payment, and (iii) the insured can demonstrate financial hardship as a result of COVID-19, the premium finance

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<p><i>Premium Finance Companies</i>³</p>	<p>finance agreement; Insurers other than Life Insurers</p>	<p>agency shall not cancel such insurance contract for at least: 60 days for a property/casualty insurance contract, and 90 days for a life insurance contract.</p> <ul style="list-style-type: none"> • These accommodations are subject to the safety and soundness of the premium finance agency. • If a premium finance agency cancels a Property/Casualty Insurance Policy⁴ based on the failure of the insured to pay the first installment payment following the 60-day grace period, the Insurer (other than a Life Insurer) shall return to the premium finance agency for the benefit of the Property Policyholder the gross unearned premiums due on a pro rata basis no later than 60 days after the effective date of such cancellation, calculated as if the policy had been canceled 60 days prior to the effective date. <p><u>Installment Payments:</u></p> <ul style="list-style-type: none"> • Where an insured fails to make timely installment payments and can demonstrate financial hardship as a result of COVID-19, premium finance agencies shall extend due dates for (i) Property/Casualty Insurance Policy installment payments by at least 60 days and (ii) life insurance contracts by at least 90 days. Premium finance

³ As per guidance issued by the Excess Line Association of New York (ELANY), [DFS has confirmed](#) that the premium finance requirements of the regulation do not apply to transactions regarding commercial excess line policies and policyholders.

⁴ Amendment No. 3 to 3 NYCRR 405 (Premium Finance Companies) uses the term “property/casualty insurance contract” which has the same meaning as “Property/Casualty Insurance Policy” defined in new Insurance Regulation 216 and described above. For clarity and consistency, we have used the term “Property/Casualty Insurance Policy” throughout this summary.

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		<p>agencies may not impose late fees or report the insured to credit reporting agencies or debt collection agencies with respect to such payments.</p> <ul style="list-style-type: none"> • A premium finance agency shall, subject to the safety and soundness of the premium finance agency, permit insureds who did not make timely installment payments due to financial hardships resulting from COVID-19 to pay such installment payments over a 12-month period. <p><u>Notice Requirements:</u></p> <ul style="list-style-type: none"> • Premium finance agencies shall provide certain notices about the provisions of the amended regulation to insureds, insurance producers, and third-party administrators as detailed in the consolidated emergency regulation. • Licensed insurance producers that service in-force insurance contracts listed in a premium finance agreement must provide notices to insureds within 10 business days of March 30, 2020 regarding the provisions of Amendment No. 3 to the Premium Finance Agencies Regulation. <ul style="list-style-type: none"> ○ Subsequent DFS guidance instructs that producers may satisfy the notice requirements by emailing notices to the consumers for which they have email addresses, even if the consumers have not consented to receiving this notice via email. The DFS emphasizes that producers must send the appropriate notice only to the appropriate consumers to avoid confusion, and has provided on its website model notices that will satisfy the notice requirements referenced

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		<p>above. The DFS's subsequent guidance also states that producers should post the information on their websites as soon as possible, and should maintain records of their communications that satisfy the above notice requirement.</p> <p><u>Other:</u></p> <ul style="list-style-type: none"> The policy cancellation moratorium, premium payment accommodations and notice requirements set forth above shall not apply to a policy that at any time has been acquired by a life settlement provider pursuant to a life settlement contract.
<p>Consolidated Emergency Regulation:</p> <p>Third Amendment to 11 NYCRR 187 Insurance Regulation 27-C</p> <p><i>Credit Unemployment Insurance</i></p>	<p><i>Credit Unemployment Insurance</i></p> <p>Insurers writing credit unemployment insurance in New York</p>	<ul style="list-style-type: none"> 11 NYCRR 187.6(f)(4) provides that under a credit unemployment insurance policy, the total premium remitted by the creditor shall be assumed to provide coverage for the insured debtor whose payments are not more than two months overdue (even if the debtor has not paid a charge for such two months' coverage). The consolidated emergency regulation extends this period from two months to three months for an insured debtor who can demonstrate financial hardship as a result of the COVID-19 pandemic.
<p>Consolidated Emergency Regulation:</p> <p>Third Amendment to 11 NYCRR 185 Insurance Regulation 27-A</p>	<p><i>Credit Life Insurance, Credit Accident and Health Insurance</i></p> <p>Insurers writing credit life insurance and credit accident</p>	<ul style="list-style-type: none"> 11 NYCRR 185(m)(4) provides that under a credit life or credit accident and health insurance policy, the total premium remitted by the creditor shall be assumed to provide coverage for the insured debtor whose payments are not more than two months overdue (even if the debtor has not paid a charge for such two months' coverage). The consolidated emergency regulation extends this period from two

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<i>Credit Life Insurance and Credit Accident and Health Insurance</i>	and health insurance in New York	months to three months for an insured debtor who can demonstrate financial hardship as a result of the COVID-19 pandemic.
<u>Insurance Circular Letter No. 9 (2020)</u> (Issued March 25, 2020)	<i>All Lines of Insurance</i> All New York licensed insurance producers (i.e., agents, brokers, adjusters, consultants and intermediaries)	<ul style="list-style-type: none"> • The DFS has suspended license expirations for individual producers for 60 days beginning March 25, 2020, and waived any late fees resulting from or accruing during that period. • The DFS has suspended the requirement that a monitor be present to complete producer continuing education and pre-licensing course exams online during the 60-day period.
<u>Insurance Circular Letter No. 8 (2020)</u> (Issued March 20, 2020)	<i>Health Insurance</i> Insurers Authorized to Write Accident and Health Insurance in New York, Article 43 Corporations, health maintenance organizations (“HMOs”), Student Health Plans Certified Pursuant to Insurance Law § 1124, Municipal Cooperative Health Benefit Plans, Prepaid Health	Insurance Circular Letter No. 8 (2020) (March 20, 2020) suspends certain utilization review and notification requirements for 90 days from March 20, 2020, including that: <ul style="list-style-type: none"> • For 90 days from March 20, 2020, the DFS advises Issuers to suspend (i) preauthorization review requirements for scheduled surgeries or admissions at hospitals; and (ii) concurrent review for inpatient hospital services provided. Insurers are permitted to retrospectively review these services upon resumption of retrospective review. • For 90 days from March 20, 2020, the DFS advises Issuers to suspend retrospective review for inpatient hospital services and emergency services provided at in-network hospitals. Issuers should pay claims from in-network hospitals that are otherwise eligible for payment without first reviewing the claims for medical necessity. Issuers

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	<p>Services Plans, Utilization Review Agents, and Licensed Independent Adjusters (for purposes of Insurance Circular Letter No. 8, “<u>Issuers</u>”), and Independent Agents Performing Utilization Review Under Contract with Such Issuers, and Licensed Independent Adjusters</p>	<p>may, to the extent necessary, request information to perform a retrospective review, reconcile claims, and make payment adjustments beginning after 90 days from March 20, 2020. An in-network hospital that accepts payment for such claims is advised to not enforce any contractual limitations regarding the permissibility of retrospective review or overpayment recovery.</p> <ul style="list-style-type: none"> • For 90 days from March 20, 2020, the DFS advises Issuers to suspend (i) preauthorization requirements for home health care services following an inpatient hospital admission and preauthorization requirements for inpatient rehabilitation services following a hospital admission; and (ii) preauthorization for in-patient rehabilitation services for mental health or substance use disorder, to the extent that it is required.⁵ • With respect to requirements that hospitals notify Issuers about hospital admissions of insureds, Issuers should not require the submission of medical records as a part of such notification for 90 days from March 20, 2020. Insurance Circular Letter No. 8 (2020) (March 20, 2020) provides additional guidance about notification arrangements between hospitals and Issuers. • The DFS advises that the time frames during which a hospital may submit internal or external appeals of adverse determinations and the 24-month time limit on overpayment recovery by Issuers from hospitals should be considered tolled for 90

⁵ Insurance Circular Letter No. 8 (2020) (March 20, 2020) also sets forth guidelines established by the New York State Department of Health pertaining to procedures to be followed by the Issuers, rehabilitation facilities and skilled nursing facilities for inpatient rehabilitation services following a hospital admission if an in-network provider is not able to accept the insured.

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		<p>days from March 20, 2020. Further, Issuers are directed to suspend non-essential audits of hospital payments during the state of emergency for COVID-19.</p> <ul style="list-style-type: none"> The DFS strongly encourages third-party administrators (licensed as independent adjusters by the DFS) to comply with Insurance Circular Letter No. 8 (2020) (March 20, 2020) in their services arrangements with self-funded plans.
<p>Insurance Circular Letter No. 7 (2020) (Issued March 19, 2020)</p>	<p><i>All Lines of Insurance</i> All DFS-regulated insurance entities</p>	<ul style="list-style-type: none"> The DFS urges all regulated entities to provide accommodations to consumers and small businesses that can demonstrate financial hardship caused by COVID-19, such as offering payment accommodations, working with consumers to avoid cancellation or non-renewal of policies, and providing clear descriptions of coverage. The DFS also urges all regulated entities, in their capacity as creditors to businesses of all sizes, to provide accommodations to their borrowers to the extent reasonable and prudent (e.g., by refraining from exercising rights and remedies based on potential technical defaults under material adverse change and other contractual provisions that the COVID-19 pandemic could trigger).
<p>Insurance Regulation 62 58th Amendment to 11 NYCRR 52 (Issued and effective March 16, 2020)</p>	<p><i>Health Insurance</i> Authorized insurers and HMOs</p>	<ul style="list-style-type: none"> During the state of emergency, no insured will be required to pay copayments, coinsurance or deductibles for in-network services delivered via telehealth, if the service would have been covered if delivered in person.

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		<ul style="list-style-type: none"> • New York authorized insurers and health maintenance organizations (“Health Care Plans”) shall notify in-network providers in writing that they must not collect any such payment for such services. • This emergency regulation gives effect to Insurance Circular Letter No. 6 (2020) (March 15, 2020), in which the DFS advises that during the state of emergency for COVID-19, technologies that must be covered as “telehealth” include “telephonic or video modalities (including technology commonly available on smart phones and other devices) when medically appropriate to deliver health care services for the assessment, diagnosis, consultation, treatment, care management, and self-management of a patient,” provided that all other requirements for a covered health care service are satisfied.
<p>Insurance Regulation 62 57th Amendment to 11 NYCRR 52 (Issued and effective March 13, 2020)</p>	<p><i>Health Insurance</i> Authorized insurers and HMOs</p>	<ul style="list-style-type: none"> • The issuance or delivery of policies in New York that provide comprehensive coverage for hospital, surgical or medical care shall not require insureds to pay for in-network laboratory tests to diagnose COVID-19, or related visits to an in-network provider’s office, urgent care center or outpatient provider or to a hospital’s emergency department. • Health Care Plans shall notify their in-network providers in writing that such providers may not collect any deductibles, copayments or coinsurance for these tests or services.

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<p>Call for Special Report Pursuant to Section 308, New York Insurance Law: Business Interruption and Related Coverage Written in New York</p> <p>(Issued March 10, 2020)</p>	<p><i>Property and Casualty Insurance</i></p> <p>New York licensed property and casualty insurers</p>	<ul style="list-style-type: none"> • The DFS instructs New York licensed property and casualty insurers to provide to the DFS by March 18, 2020 information regarding the commercial property insurance they have written in New York and details regarding the business interruption coverage for which the insurer has ongoing exposure. • The DFS requires insurers that have written such business to explain to policyholders the benefits under their policies related to COVID-19, and to provide the DFS with copies of explanations sent to policyholders. • We have previously reported on this 308 Letter here.
<p>Call for Special Report Pursuant to Section 308, New York Insurance Law: Travel Insurance Direct Premiums Written in New York</p> <p>(Issued March 10, 2020)</p>	<p><i>Property and Casualty Insurance</i></p> <p>New York licensed property and casualty insurers</p>	<ul style="list-style-type: none"> • The DFS instructs New York licensed property and casualty insurers to provide to the DFS by March 18, 2020 information regarding the travel insurance they have written in New York and details regarding the coverage provided in the types of policies for which they have ongoing exposure. • The DFS requires insurers to explain to policyholders the benefits under their policies in connection with COVID-19, and to send copies of such explanations to the DFS.
<p>Insurance Circular Letter No. 5 (2020)</p> <p>(Issued March 10, 2020)</p>	<p><i>All Lines of Insurance</i></p> <p>New York licensed insurers, and certain insurance</p>	<ul style="list-style-type: none"> • The DFS requires New York licensed insurers and certain insurance producers that were specifically notified by the DFS to submit to the DFS a description of “[the entity’s] plans of preparedness to manage the risk of disruption to its operations and the financial risk arising from COVID-19,” and details the requirements of such plans

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	<p>producers that were specifically notified by the DFS</p>	<p>and such entity's risk management programs as they relate to COVID-19. The original submission deadline was April 9, 2020, which the DFS has extended to April 17, 2020.</p> <ul style="list-style-type: none"> • The DFS emphasizes that the entity's board of directors is responsible for "ensuring that appropriate plans are in place, and that sufficient resources are allocated to implement such plans," and that senior management is responsible for ensuring that effective policies and procedures are in place to execute the plan and for "communicating the plan throughout the entity to ensure consistency in approach so that employees understand their roles and responsibilities." • Subsequently, the DFS authorized foreign insurers to submit any report that they are required to submit in their home state/lead state pursuant to the NAIC COVID-19 data submission template. • We have previously reported on Insurance Circular Letter No. 5 here.
<p>Insurance Circular Letter No. 4 (2020) (Issued March 6, 2020)</p>	<p><i>Property and Casualty/Travel Insurance</i></p> <p>All authorized property and casualty insurers and licensed travel insurance producers</p>	<ul style="list-style-type: none"> • "Cancel for any reason" benefits are not technically insurance under New York law, but may be sold in New York by an insurer if necessary or incidental to its travel insurance business. Non-insurers may provide such benefits if they are not sold as an insurance product.

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		<ul style="list-style-type: none"> • The DFS advises that COVID-19 “may be a covered peril under a travel insurance policy,” and that nothing in the New York Insurance Law or regulations requires travel insurance to exclude coverage for an epidemic or pandemic. • The DFS expects all authorized property and casualty insurers and licensed travel insurance producers to “affirmatively provide clear guidance and information to their policyholders about their travel insurance policies, and to cooperate fully with anticipated specific requests from DFS in this regard.”
<p>Insurance Circular Letter No. 3 (2020) (Issued March 3, 2020)</p>	<p><i>Health Insurance</i></p> <p>Insurers authorized to write accident and health insurance in New York, Article 43 corporations, HMOs, student health plans certified pursuant to Insurance Law § 1124, and municipal cooperative health benefit plans (collectively for purposes of Insurance Circular Letter No. 3, “<u>Issuers</u>”)</p>	<p>The DFS instructs all Issuers to take actions to prepare for COVID-19 in New York including that:</p> <ul style="list-style-type: none"> • Issuers should inform insureds of available benefits, respond quickly to their inquiries, make “all necessary and useful information” available on their websites and staff nurse-help lines accordingly. • Issuers should waive cost-sharing for COVID-19 laboratory tests and for in-network provider office visits, in-network urgent care center visits and emergency room visits when testing for COVID-19. • Issuers are directed to ensure that their telehealth programs with participating providers are robust and can meet increased demand.

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		<ul style="list-style-type: none"> • Issuers are directed to verify that their provider networks are adequate to handle an increase in the need for health care services. • Issuers are directed to not use utilization review preauthorization requirements as a barrier to access necessary treatment for COVID-19 and are advised to be prepared to expedite utilization review and appeal processes for COVID-19-related services when medically appropriate. • If an immunization for COVID-19 becomes available and is recommended for children through the attainment of 19 years-of-age, Issuers will be required to cover such immunization at no cost-sharing for children through the attainment of 19 years-of-age. Likewise, if an immunization is developed and is recommended for COVID-19 for adults 19 and older, Issuers should cover the immunization immediately at no cost-sharing.