

New York Insurance Law § 2612

New York Insurance Law § 2612, with respect to all insurers regulated under the Insurance Law, including health maintenance organizations (“HMOs”), provides in relevant part that if any person covered by an insurance policy delivers to the insurer a valid order of protection against the policyholder or other person covered by the policy, then the insurer is prohibited for the duration of the order from disclosing to the policyholder or other person the address and telephone number of the insured, or of any person or entity providing covered services to the insured. If a child is a covered person, then the right established by this section may be asserted by the child’s parent or guardian.

Effective January 1, 2013, Insurance Law § 2612 also requires a health insurer, as defined in that section, to accommodate a reasonable request made by a person covered by an insurance policy or contract to receive communications of claim-related information by alternative means or at alternative locations if the person clearly states that disclosure of the information could endanger the person. If a child is the covered person, then this right may be asserted by the child’s parent or guardian. Except with the express consent of the person making the request, a health insurer may not disclose to the policyholder: (1) the address, telephone number, or any other personally identifying information of the person who made the request or child for whose benefit a request was made; (2) the nature of the health care services provided; or (3) the name or address of the provider of the covered services.

The New York State Department of Financial Services (“Department”) has promulgated [11 NYCRR 244 \(Insurance Regulation 168\)](#), which requires insurers to develop and implement confidentiality protocols. For health insurers, this also must 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 and procedures for revoking such a request.