

Discrimination Based on Being a Victim of Domestic Violence

New York Insurance Law §2612 prohibits any insurer from discriminating against a person because he or she was a victim of domestic violence. Discrimination under this law would include refusing to issue or cancel a policy, demanding a greater premium, designating domestic violence as a preexisting condition, or lowering the fees or commissions of agents for writing or renewing such a policy.

The law also states that if a person covered by an insurance policy issued to another as the policyholder delivers to the insurer a valid order of protection against the policyholder, the insurer may not disclose to the policyholder the address or telephone number of the insured. Similarly, if such a protective order is delivered from an insured that is covered by a group insurance policy, the insurer may not disclose the address or telephone number of the insured person to the person against whom the order of protection was issued. In both instances, the insurer also may not disclose any information as to any person or entity providing covered services. If a child is the endangered person, this right may be asserted by the parent or guardian of the child.

Insurers issuing accident and health insurance policies also must accommodate reasonable requests by insured persons to receive communications of claim related information by alternative means or at alternative locations. This also applies to children covered under such policies. However, the insurer may require the person to make such a request in writing, disclose the part of the claim related information which could endanger the person, and specify an alternative method of contact. Without the express consent of the covered person, the insurer will not disclose to the policyholder any personally identifying information of the person who made the request (or his or her child), the nature of the health care services provided, or the name or address of the provider of the covered services.

Please note that the above description is intended to be a summary of the law. For more detail, please read §2612 of the New York Insurance Law in its entirety.

The New York State Domestic and Sexual Violence Hotline may be accessed at 1-800-942-6906 (English language) and 1-800-942-6908 (Spanish language).