



NEW YORK STATE  
DEPARTMENT *of*  
FINANCIAL SERVICES

Andrew M. Cuomo  
Governor

Maria T. Vullo  
Superintendent

February 26, 2018

**To: All Insurers Authorized to Write Life Insurance, Disability Insurance and Long Term Care Insurance in New York**

**Re: Request for Special Report Pursuant to Insurance Law § 308**

The Department of Financial Services (“Department”) is seeking information regarding the company’s underwriting guidelines and practices related to human immunodeficiency virus (“HIV”) prevention strategies, such as the use of antiretroviral preexposure prophylaxis (“PrEP”) to reduce the risk of acquiring HIV infection. Specifically, the Department is seeking information about the company’s underwriting guidelines and practices where a consumer applies for life insurance, disability insurance or long term care insurance and the applicant is engaging in or has engaged in an HIV prevention strategy, such as PrEP. Accordingly, pursuant to Insurance Law § 308, please provide the Department with the following information:

- 1) the company’s underwriting guidelines and practices for life insurance, disability insurance and long term care insurance related to applicants who are engaging or have engaged in an HIV prevention strategy, such as PrEP;
- 2) detailed information regarding any full or partial denial of an application based directly or indirectly on the applicant engaging or having engaged in an HIV prevention strategy, such as PrEP; and
- 3) any actuarial justification or experience supporting the application denials identified in response to item (2) above.

Each response must be subscribed and affirmed as true under penalty of perjury by a senior officer of the company, and must be returned to the Department on or before **March 19, 2018**.

All records that support your responses and any follow-up communications are subject to examination by the Department and the company must retain those records in accordance with 11 NYCRR 243 (Insurance Regulation No. 152). In addition, the company must preserve all documents and records related to the subject matter of this letter until notified otherwise.

The company should acknowledge receipt of this letter by sending an email to [ALBLIF@dfs.ny.gov](mailto:ALBLIF@dfs.ny.gov) within five business days of receipt. All information submitted in response to this request should be emailed to the same email address. Please include the phrase “308

Letter - HIV PrEP” in the subject line of the e-mail. To submit a response by a different method, please contact the Department. Responses for all companies within a holding company system may be submitted in a single submission.

Please direct all questions regarding this letter to James Regalbuto, Deputy Superintendent for Life Insurance, by telephone at (212) 480-5025 or by e-mail at [james.regalbuto@dfs.ny.gov](mailto:james.regalbuto@dfs.ny.gov).

Sincerely,

/s/ James Regalbuto  
James V. Regalbuto  
Deputy Superintendent for Life Insurance

/s/ Troy Oechsner  
Troy J. Oechsner  
Deputy Superintendent for Health Insurance