

June 4, 1982

SUBJECT: INSURANCE

WITHDRAWN
(EFF. 12-04-03)

DATED: JUNE 4, 1982

CIRCULAR LETTER NO. 13(1982)

TO: ALL LICENSED INSURERS AND SELF-INSURERS WHICH WRITE AUTOMOBILE INSURANCE IN NEW YORK STATE

RE: RELEASE OF MEDICAL REPORTS OBTAINED IN ACCORDANCE WITH THE PROVISIONS OF A NO-FAULT ENDORSEMENT

The Personal Injury Protection endorsements prescribed by Insurance Department Regulation 68 contain a provision that "The eligible injured person shall submit to medical examination by physicians selected by, or acceptable to, the Company, when, and as often as, the Company may reasonably require". Often, these medical examinations provide the basis for a denial of no-fault benefits to claimants. The Insurance Department has been advised that many insurers refuse to provide claimants with a copy of these medical examination reports which they have utilized as a basis to deny a no-fault claim.

In view of the non-adversary nature of the no-fault coverage, it is this Department's position that there should be an exchange of information between the no-fault claimant and insurer. Accordingly, where the specific reason for a denial of a no-fault claim, or any element thereof, is a medical examination report requested by the insurer, the no-fault insurer must release a copy of that report to the applicant for benefits, the applicant's attorney, or the applicant's treating physician, upon the written request of any of the foregoing.

Please acknowledge receipt of this letter to Richard Lynde, Associate Insurance Examiner, Property and Casualty Insurance Bureau.

Very truly yours,

[SIGNATURE]

ALBERT B. LEWIS

Superintendent of Insurance

ABL/