



*Dedicated to protecting access to quality healthcare for automobile accident victims*

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March 19, 2010

My fellow New Yorkers, we are called to action to protect automobile accident victims and their health care providers from changes being proposed to New York's No-Fault insurance system.

On November 17, 2009, the New York State Insurance Department (NYSID) issued a working draft of proposed changes to the Regulations that control the payment of No-Fault benefits to accident victims and the health care providers that treat them. The current working draft is available at <http://www.ins.state.ny.us>. While some of the proposed changes are welcome, many will – as described below – severely limit the access of automobile accident victims to quality health care.

Separate and apart from the proposed regulations, in early February of this year, representatives of the New York State Insurance Department, many of the State's largest insurers, and a host of Insurance Industry Trade Organizations, asked the State Legislature to change the No-Fault insurance laws in a manner that overtly favors the insurance industry and prejudices – and in some cases completely eviscerates – the rights of both providers and accident victims. Legislation implementing these so-called “reforms” has already been introduced and is currently being considered by both houses of the Legislature.

Taken together, the proposed regulatory changes and legislation should greatly concern all medical professionals, their patients and any New Yorker who might require treatment for injuries sustained in an automobile accident.

Some of the most troublesome aspects of the proposed amended regulations and legislation are:

- Claimants will lose their right to bring court actions regarding any dispute with an insurer, including denial of medical treatment. Arbitration will be mandatory.
- Insurers will no longer be required to prove that denied medical services were medically unnecessary.

- Insurers will no longer be required to support medical necessity denials with the live testimony of qualified professionals.
- The NYSID will be empowered to unilaterally decertify a medical provider to receive reimbursement for services provided to accident victims, for up to 3 years, with little or no due process protections.
- Creation of treatment protocols by NYSID to limit the type and extent of reimbursable medical treatment available to auto accident victims.
- Insurance companies will be given 50% more time to pay or deny claims.
- Insurers will not have to tell doctors and other health care providers why they are refusing to pay, and can come up with new reasons at any time.
- Every insurer will be permitted, without any showing of good cause, to suspend payment of all claims to a particular health care provider, simply by demanding the personal appearance of the provider before its attorneys. The provider may be questioned by *every* billed insurer on *every* aspect of the provider's business and treatment of any and all patients. Payments cease automatically until the medical provider completes the oral examination and provides the insurers with any documents the insurers demand, including personal and business tax returns, property and equipment leases, management agreements, rental agreements, etc. This will lead to long periods where providers cannot be paid for services already rendered.
- The right of a medical provider and insured to bring a legal action for insurer's violations of the regulations will be specifically prohibited.

The NYSID and the insurance industry insist that these changes are needed to address increasing claim costs. While reform may be needed to address rising costs in all areas of health care, any change to the No-Fault law and regulations **must** preserve the ability of New Yorkers to obtain timely access to quality health care. If enacted in their current form, the proposed changes will have a devastating impact upon all New Yorkers. Any reform has to be thoughtful, considered, and fair.

So far, the regulators and the politicians have been receptive to the insurance industry. An intelligent decision on reforming No-Fault cannot be made without considering the needs of the automobile accident victims the law was intended to protect. The regulators and politicians need to hear from consumers, accident victims, their health care providers and their representatives.

Working as the New York Coalition of No-Fault Lawyers (NYCNFL), we met with Superintendent James J. Wrynn, senior staff at NYSID, and members of New York's Senate and Assembly to warn about the devastating effects the proposed changes will have on healthcare.

But more action is needed. The voice of a wider representation of all potentially aggrieved persons, organizations and associations must be marshaled and heard. The founders of NYCNFL have formed a new coalition -- New Yorkers for Fair Automobile Insurance Reform (NYFAIR)-- to which we formally extend to you the invitation of membership. NYFAIR will include medical professionals and their corporations, injured parties, attorneys, and any other organization or association affected by these changes. The purpose of NYFAIR is twofold: (1) To inform and educate policymakers; and (2) to ensure that automobile accident victims and their health care providers are treated fairly by the insurers responsible for the payment of such healthcare expenses.

We invite you to join NYFAIR to ensure that the voice and needs of ordinary New Yorkers are heard and addressed. There are many ways you can help. We need people with expertise in the healthcare field and with a commitment to the goal of timely access to quality healthcare to assist with any or all of the following: (1) Meet with elected officials; (2) provide concrete examples of how profit-seeking insurance carriers often refuse to pay for necessary care; (3) give us your financial support.

To join NYFAIR and to express your concern about the regulatory and legislative changes to the No-Fault system currently being considered in Albany, please complete the attached form and return it along with your donations to:

New Yorkers for Fair Automobile Insurance Reform, Inc.  
11 Grace Avenue, Suite 111  
Great Neck, NY 11021

You may also call us at 516-829-0363.

Sincerely,

Stuart M. Israel  
President  
NYFAIR New Yorkers for Fair Automobile Insurance Reform



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First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Generic Title (e.g., Health Care Provider, Concerned Citizen, Former Accident Victim, Lawyer, Representative of a Professional Association):  
\_\_\_\_\_

Email address: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

I would like to help by providing the following:

My Donation of:  \$5,000  \$1,000  \$500  \$250  \$100 \$: \_\_\_\_\_  
is enclosed. Contributions or gifts to NYFAIR are not tax deductible as charitable contributions.

Other assistance I can provide:  
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11 GRACE AVENUE, SUITE 111 • GREAT NECK, NY 11021  
TEL. 516-829-0363 • FAX. 516-829-0366  
INFO@NEWYORKFAIR.ORG • WWW.NEWYORKFAIR.ORG  
STUART M. ISRAEL, PRESIDENT