



**STATE OF NEW YORK
INSURANCE DEPARTMENT**
25 BEAVER STREET
NEW YORK, NEW YORK 10004

George E. Pataki
Governor

Gregory V. Serio
Superintendent

**Circular Letter No. 18 (2003)
December 4, 2003**

TO: All Motor Vehicle Automobile Self-Insurers, and Insurers Licensed to Write Motor Vehicle Automobile Insurance in New York State

RE: Withdrawal of 16 Outdated Circular Letters

STATUTORY REFERENCE: Article 51 of the Insurance Law

By [Circular Letter No. 1 \(2001\)](#), the Insurance Department set forth its conclusions concerning its review of the Circular Letters issued by the Department since 1924 and attached a listing of approximately 400 [Withdrawn Circular Letters](#). The Department noted that the list of Withdrawn Circular Letters constituted the Department's conclusion that the listed Circular Letters should be withdrawn because they "...have either become outdated as a result of the passage of time, or are unnecessary or irrelevant to current operations, or are no longer valid because of changes in statute or in policy at the Department." We also noted that the Department's review of Circular Letters was continuing and that additional Circular Letters may be withdrawn as their content is updated, included in Department regulations, or otherwise clarified.

The purpose of the present Circular Letter, therefore, is to announce the Department's conclusion that, utilizing the aforesaid criteria, it is hereby withdrawing the following Circular Letters that provide advices related to "No-Fault" insurance law:

Circular Letter No. 7 (1975), entitled "Responsibility of No-Fault insurers to hospitals and physicians holding assignments pursuant to 11 NYCRR 65.6(h)."

The Circular Letter served as a basic primer for issues related to an assignment of benefits at a time when insurers were not familiar with paying claims to an assignee. Since the issuance of the Circular Letter, the Department has provided more detailed information to the industry and public through new provisions in 11 NYCRR 65-3.11(a) and new NYS Form N-F AOB contained in Appendix 13, both of which are included in the First Amendment to 11 NYCRR 65-3 (Regulation No. 68-C), and also through the issuance of opinions by the Office of General Counsel. As such, the Circular Letter is no longer necessary.

Circular Letter No. 5 (1978), entitled "Implementation of Chapter 892 of the Laws of 1977 – Automobile Insurance Reform Law."

This Circular Letter is being withdrawn because Circular Letter No. 14 (1996) was subsequently issued to convey the same information.

Circular Letter No. 16 (1981), Supplement No. 1 to Circular Letter No. 16 (1981), Supplement No. 2 to Circular Letter No. 16 (1981), Supplement No. 3 to Circular Letter No. 16 (1981), and Supplement No. 4 to Circular Letter No. 16 (1981), entitled "Reduction in No-Fault loss of earnings benefits for qualified wage continuation plans."

This Circular Letter and subsequent supplements are clearly outdated and are superseded by Circular Letter No. 12 (1997), which was issued to convey the most current information in regard to this issue.

Circular Letter No. 12 (1982), entitled "Taxability of New York State Disability Benefits and the effect on the payment of No-Fault."

Since the issuance of this Circular Letter, the Department's position in regard to this matter has been codified in Regulation 68. See footnote one in the loss earnings calculation example listed under 11 NYCRR 65-3.19(f)(3).

Circular Letter No. 13 (1982), entitled "Release of medical reports obtained in accordance with the provisions of a No-Fault Endorsement."

The Circular Letter informs the industry of the Insurance Department's position concerning the release of a medical examination report that is the basis of an insurer's denial of a No-Fault claim. The Circular Letter indicates that the insurer shall release a copy of the medical examination report to the applicant for benefits, the applicant's attorney, or the applicant's treating physician, upon the written request of any of these parties. This position is currently included in Regulation 68 at 11 NYCRR 65-3.8(b)(4).

Circular Letter No. 9 (1996), entitled "Revision of the NYS Workers' Compensation Board Schedule of Medical Fees"

This Circular Letter is obsolete as it served as an invitation to the industry to attend a training seminar at the Insurance Department in regard to understanding the new fee schedule rules.

Circular Letter No. 5 (1998), entitled "Revision of the No-Fault Denial of Claim Form – NYS Form N-F10."

The Circular Letter informs the industry that all insurer No-Fault denial of claim forms (NYS Form N-F 10) must be altered no later than April 1, 1998, to reflect the Department's new address and Post Office Box. The Circular Letter has been superseded by the NYS Form N-F 10 contained in Appendix 13 of the First Amendment to 11 NYCRR 65-3 (Regulation No. 68-C).

Circular Letter No. 1 (2000), entitled "Revision of Insurance Department Regulation 68" and Circular Letter No. 20 (2000), Circular Letter No. 24 (2000), Circular Letter No. 24 (2001), and Circular Letter No. 25 (2001), entitled "Insurance Department Regulation 68 Lawsuit."

The above five Circular Letters have been rendered obsolete by subsequent events, including the decision of the New York Court of Appeals in Matter of Medical Society of the State of New York v. Serio on October 21, 2003.

If you have any comments or questions regarding the contents of this circular letter please contact:

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Very truly yours,

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