



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

David A. Paterson
Governor

James J. Wrynn
Superintendent

Circular Letter No. 6 (2010)

April 9, 2010

TO: All insurers, including risk retention groups and the Medical Malpractice Insurance Plan (“MMIP”), writing in New York professional medical malpractice liability insurance that covers physicians, physician’s assistants, and specialist’s assistants.

RE: Submission of Quarterly Reports Required by New York Insurance Law § 315

STATUTORY AND REGULATORY REFERENCES: Sections 315, 2343, 3426, and 5504 of the New York Insurance Law

The purpose of this circular letter is to clarify for insurers their obligations pursuant to Insurance Law § 315(b)(1), and to notify insurers of new forms for submitting reports pursuant to Insurance Law § 315(b)(1).

In addition to reports on all claims for medical malpractice made against its insureds and received by the insurer, each insurer (including a risk retention group and the MMIP) that issues professional liability insurance policies to physicians, physician’s assistants and specialist’s assistants, pursuant to Insurance Law § 315(b)(1), must submit to the Superintendent of Insurance and the Commissioner of Health quarterly reports of:

(1) any surcharge or merit-rating adjustment made on an insured’s premium, along with the reason for the surcharge or adjustment; and

(2) any cancellation/non-renewal, including voluntary cancellation/non-renewal by the insured, along with the reason for the cancellation or non-renewal other than for non-payment of premium.

The Insurance Department has posted on its website two new forms (“Report 1” and “Report 2”) for reporting pursuant to Insurance Law § 315(b)(1) that can be found at <http://www.ins.state.ny.us/datacall/datacal3.htm>. Instructions for completing the reports are set forth in the “Readme” file.

Each report shall contain information for the quarter ending March 31st, June 30th, September 30th, or December 31st. Every insurer must submit its report no later than 30 days following the end of each quarter. In order to provide adequate time for preparing the initial report in this format for the first quarter ending March 31, 2010, every insurer must submit its report no later than May 31, 2010.

Completed reports may be submitted via e-mail to the attention of Mr. Anthony Bonner at abonner@ins.state.ny.us and to the New York State Department of Health at medmal@health.state.ny.us.

If you experience technical difficulties in using these files or have any questions concerning downloading and/or using the “Report.xls” files, please contact Anthony Bonner by phone at (212) 480-5594, or by e-mail at abonner@ins.state.ny.us. All other questions should be directed to Ms. Ying Victoria Ng by e-mail at yng1@ins.state.ny.us.

Very truly yours,

Eugene Bienskie
Assistant Deputy Superintendent &
Chief Examiner
Property Bureau