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## **JANUARY 31, 2008**

### **ISRAEL, ISRAEL & PURDY, LLP**

### **NO-FAULT NEWSLETTER**

As previously reported in July 2006, in an effort to reduce no-fault insurance fraud in New York City (NYC), the City Council passed a bill requiring certain medical clinics that bill for no-fault insurance medical treatment claims to be monitored through periodic reporting requirements and prohibited them from engaging “runners” to procure additional patients (A copy of the Council bill is available on our website at [www.iiplawfirm.com/sub/providers.jsp](http://www.iiplawfirm.com/sub/providers.jsp)). The Law specifically applies to any provider with a medical clinic within the territorial limits of NYC whose total billings for the previous year were more than 50% comprised from no-fault patients. Such clinics **MUST** submit a report to the City’s Department of Consumer Affairs (DCA), which shall include, (i) name and address of the clinic, (ii) name and address of its owners, (iii) name and address of any management company, if applicable, (iv) what percentage of the clinic’s billing is from no-fault, and sign an affidavit that the clinic does not engage the use of runners.

Although the bill required the DCA to promulgate rules implementing the changes, nothing was officially released until last week, when the Department mailed “Health Care Clinic Report Acknowledgment Forms” to hundreds of medical providers within NYC that submit no-fault claims (a copy of the forms can also be found at our website). Unfortunately, the Form developed by the DCA requires the clinic to provide significantly more information than the statute itself. In fact, the DCA Acknowledgment Form even requires clinics that are exempt from the reporting threshold to nonetheless provide some detailed information. What was left unclear was whether a clinic that provided all the information stated in the original bill on an affidavit other than the DCA form would be in violation of the law itself. In an effort to resolve this issue, our office has been having ongoing discussions with DCA. As of this newsletter, however, no conclusion has yet been reached. It is therefore our recommendation that any office that receives the referenced Health Care Clinic Report **DELAY** completion of the Form until further information is provided by DCA. It is important to remember, however,

that some form of information, whether the Health Care Clinic report or a separate form, must be submitted to the DCA before the deadline set in its letter. Please be assured that we shall issue another newsletter promptly detailing any further developments. In the meantime, if you wish to discuss the details of this newsletter, or any other issue regarding no-fault medical reimbursement, please contact Stuart Israel at 516-829-0363 or by email at [sisrael@iiplawfirm.com](mailto:sisrael@iiplawfirm.com).

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