
NYS Department of Health Turns Up the Heat on Providers of Services to Patients under the No-Fault Insurance Law

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Following the unsealing of federal criminal charges in 2012 against various individuals involved in the provision of health services to patients pursuant to New York's No-Fault Insurance Law, the Superintendent of the Department of Financial Services (DFS), in consultation with the Commissioner of Health and the Commissioner of Education, promulgated standards and procedures for investigating and suspending or removing the authorization for providers of health services to demand or request payment for those services.

Recently, the Commissioner of Health, through the Office of Professional Medical Conduct (OPMC), has started to send letters to providers of health services under the no-fault insurance law enclosing detailed written interrogatories. OPMC is requiring the health providers who receive this letter to answer these detailed interrogatories under oath and penalty of perjury, and under the threat that failure to answer the questions presented would be a ground pursuant to Insurance Law Section 5109 (a)(4) to suspend or remove the provider's authorization to demand or request payment under the Insurance Law.

Our law firm's attorneys have extensive experience representing health care providers under investigation by governmental and regulatory agencies, including DFS, DOH and OPMC. For more information regarding this alert or any other related issue, please contact Alfredo F. Mendez, Esq., Director of our White Collar Criminal Defense and Governmental Investigations Department or Michael S. Kelton, Esq., Director of our OPMC/OPD Defense Practice.