

Doroshow, Pasquale, Krawitz & Bhaya  
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Dear Healthcare Provider:

Throughout the years, I've heard from numerous healthcare providers and clients about an issue dealing with releases.

Sometimes, the insurance company would require the claimant to release the PIP carrier when liability claims were settled. In these cases, insurance carriers had language in their releases in settlement agreements which preclude the PIP carrier from pursuing subrogation.

This has caused some problems in the past when patients are still utilizing PIP benefits after reaching a liability settlement, often times resulting in the denial of coverage leaving unpaid medical bills.

Delaware courts have already determined that this language is unenforceable. However, some insurers were disregarding the law and including broad release language in their settlement agreements in an attempt to circumvent PIP subrogation claims.

The Delaware Insurance Department has now chimed in to outlaw such releases. See attached Auto Bulletin 82 for more information.

As always, if you have any questions or experienced any

problems relating to the payment of medical expenses through PIP, please feel free to contact me or any of the attorneys in our statewide offices at 1-800-632-9230, or by e-mail: EricDoroshow@dplaw.com.

Thank you.


Sincerely,

ERIC M. DOROSHOW  
Attorney at Law

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