

Compilation of Codes, Rules and Regulations of the State of New York Currentness

Title 11. Insurance Department

Chapter IX. Unfair Trade Practices

Part 216. Unfair Claims Settlement Practices and Claim Cost Control Measures

Regulation NO. 64. (Refs & Annos)

11 NYCRR 216.4

Section 216.4. Failure to acknowledge pertinent communications

(a) Every insurer, upon notification of a claim, shall, within 15 business days, acknowledge the receipt of such notice. Such acknowledgment may be in writing. If an acknowledgment is made by other means, an appropriate notation shall be made in the claim file of the insurer. Notification given to an agent of an insurer shall be notification to the insurer. If notification is given to an agent of an insurer, such agent may acknowledge receipt of such notice. Unless otherwise provided by law or contract, notice to an agent of an insurer shall not be notice to the insurer if such agent notifies the claimant that the agent is not authorized to receive notices of claims.

(b) An appropriate reply shall be made within 15 business days on all other pertinent communications.

(c) Every insurer shall establish an internal department specifically designated to investigate and resolve complaints filed with the Department of Financial Services and to take action necessitated as a result of its complaint investigation findings. Such internal department is to operate in a staff capacity to the entire company with authority to question and change the position taken in individual instances or company practices generally. Responsibility for such department is to be vested in a corporate officer who is also to be entrusted with the duty of executing the Department of Financial Services' directives. If the Department of Financial Services requests the appearance of an insurer representative to discuss a pending matter, the individual whom the company sends shall be authorized to make any determination warranted after all the facts are elicited at such conference. Each insurer must furnish the superintendent with the name and title of the corporate officer responsible for its internal consumer services department.

(d) Every insurer, upon receipt of any inquiry from the Department of Financial Services respecting a claim, shall, within 10 business days, furnish the department with the available information requested respecting the claim.

(e) As part of its complaint handling function, an insurer's consumer services department shall maintain an ongoing central log to register and monitor all complaint activity.

Credits

Sec. filed Dec. 5, 1972; repealed, new filed May 12, 1982; amd. filed Sept. 4, 1984 eff. Oct. 1, 1984; amd. filed May 16, 2013 eff. Aug. 1, 2013.

Current with amendments included in the New York State Register, XXXVIII, Issue 50 dated December 14, 2016.

11 NYCRR 216.4, 11 NY ADC 216.4

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