

# NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE QUARTERLY REPORT



## 4<sup>TH</sup> QUARTER 2015 REPORT

### TO THE

NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE

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#### **EXECUTIVE SUMMARY**

In the fourth quarter of 2015, 12,784 cases were initiated in the PIP dispute resolution program. Of these cases, 6,603 (52%) were initiated in the Northern region, 1,922 (15%) in the Central region, 1,876 (15%) in the Southern region, and 2,383 (18%) as OTP.

During the quarter, the DRP panel consisted of 65 members. The DRPs are regionally deployed as follows: 44 in the North, 10 in the Central, and 11 in the South. 12,156 cases were assigned to DRPs.

Of the pending cases in the PIP arbitration program, 14,335 were concluded during the fourth quarter by means of an award or denial of award (including appeals), pre-hearing dismissal of the case, settlement, or withdrawal. There were 1,071 cases placed in abeyance by consent of the parties or by order of the court.

System-wide, the average amount awarded in arbitration (excluding filing fees) was \$4,614, comprised of \$3,817 for personal injury protection benefits and \$797 for attorney's fees per case. It is common practice for users to stipulate that amounts awarded by DRPs are subject to further reduction for deductibles, copayments, prior payments, and/or medical fee schedule adjustments. In such cases, the final amount paid by the Respondent for PIP benefits may be less than the awarded amount.

Twenty-one appeals to panels of three DRPs were concluded during the reporting period. Thirteen involved awards or dismissal orders rendered in the North Region, three in the Central Region, and four in the South Region. One OTP award was appealed. Thirty-three percent of appeals resulted in some form of vacation or modification.

During the reporting period, parties requested MRO reviews applicable to 16 cases. DRPs did not request any reviews. The requests were apportioned among the four certified MROs on a rotating basis.

#### **CASES INITIATED**

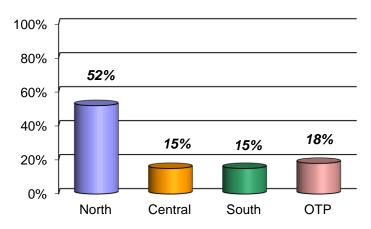
Cases are considered "filed" as of the date a Demand for Arbitration is received by Forthright. Case "initiation" occurs when an initiation letter is transmitted to the parties.

Cases which qualify for "in-person" ("IP") proceedings may be filed in one of the three regions — Central, North, or South. They are assigned to a DRP with an office within the geographic location. Cases that proceed "on-the-papers" ("OTP") are not region-specific and may be assigned to any DRP. Throughout this report, data are reported as OTP or IP. Regional breakdowns of data describe IP cases only and will bear the designation of "IP - [region]."

In the fourth quarter of 2015, 12,784 cases were initiated in the PIP dispute resolution program. Of these cases, 6,603 (52%) were initiated in the Northern region, 1,922 (15%) in the Central region, 1,876 (15%) in the Southern region, and 2,383 (18%) as OTP. See the table below for the monthly distribution.

	IP - North	IP - Central	IP - South	OTP	Total
October	2315	552	599	788	4254
November	2144	627	595	785	4151
December	2144	743	682	810	4379
Totals	6603	1922	1876	2383	12784

#### Cases Initiated by Region and OTP



The following table summarizes the initiations for the four quarters of 2015.

	IP - North	IP - Central	IP - South	ОТР	Total
Q1 2015	7137	2175	1541	2899	13752
Q2 2015	7228	1970	1576	2649	13423
Q3 2015	6461	1908	1606	2455	12430
Q4 2015	6603	1922	1876	2383	12784

#### TRANSFER OF CASES FROM OTP PROCEEDINGS TO IP PROCEEDINGS

Under certain circumstances, cases that were initially filed as OTP may be transferred to IP proceedings. The circumstances include consolidations (automatic, by consent, or by request), insurance policy issues identified by Respondent, change of claim and cases voluntarily filed as OTP but the Respondent does not consent. Please consult arbitration Rules 6, 9 and 51 for a complete explanation of the circumstances for transfer. The table below shows the number of cases transferred in the fourth quarter and the reason.

Consolidation	Policy Issues	Change of Claim	Voluntary OTP Filings	Total
308	61	48	76	493

#### **DISPOSITION OF CASES IN THE PIP ARBITRATION PROGRAM**

Of the pending cases in the PIP arbitration program, 14,335 were concluded during the fourth quarter by means of an award or denial of award (including appeals), pre-hearing dismissal of the case, settlement, or withdrawal. The table below illustrates the manner in which cases were administered and concluded in the three IP geographic regions as well as the OTP category.

Disposition Type	IP - North	IP - Central	IP - South	ОТР	Total
Awarded/Denied	3316	898	894	746	5854
*Dismissed Pre-Hearing	11	3	2	0*	16
Settled	3746	1135	1028	1456	7365
Withdrawn	644	124	130	202	1100
Total	7717	2160	2054	2404	14335

<sup>\*</sup> Pre-hearing dismissal is not an option for OTP cases.

### **DISPOSITION OF CASES BY PERCENTAGE**

The table below presents the disposition of OTP cases and the regional disposition of IP cases as percentages of all case dispositions during the reporting period.

Disposition Type	IP - North	IP - Central	IP - South	ОТР
Awarded/Denied	43%	42%	44%	31%
Dismissed Pre-Hearing	(<1%)	(<1%)	(<1%)	N/A
Settled	49%	53%	50%	61%
Withdrawn	8%	6%	6%	8%

#### **CASES IN ABEYANCE**

Administration of certain cases is suspended by way of Court Order or consent of the parties. These cases are designated as in abeyance. Abeyances for the reporting period are shown in the table below.

IP - North	IP - Central	IP - South	ОТР	Total
631	244	196	0	1071

#### CASES SETTLED WITHIN 45 DAYS OF INITIATION

The Respondents are granted a conciliation period of 45 days from case initiation in which to settle claims without incurring the Respondent administration fee.

The following table expresses the distribution of settlements within 45 days of initiation.

	IP – North	IP - Central	IP - South	ОТР	Total	
Settlements*	1366	422	329	828	2945	

<sup>\*</sup> Note: This data is based only upon user communications describing cases as settled or resolved. There are likely cases that the parties communicated as "withdrawn" or otherwise concluded which were actually settled and would qualify for this category.

#### **DISPUTE RESOLUTION PROFESSIONAL CASELOAD**

The DRP panel consisted of 65 members. The DRPs are regionally deployed as follows: 44 in the North, 10 in the Central, and 11 in the South. 12,156 cases were assigned to DRPs. Appendix A shows 66 DRPs because of an overlap of one DRP who was leaving with his replacement.

Caseload activity of DRPs is represented in Appendix A. The appendix distinguishes IP cases from OTP cases. Note that the tally of awarded and settled cases displayed in the "Disposition of Cases After DRP Added" Section and Appendix A may vary slightly because of the method of collecting data for each. For example, an award rendered by a three DRP panel is reported for each DRP in Appendix A. A case that settles while in abeyance without an active DRP will not be counted in Appendix A.

#### **DISPOSITION OF CASES AFTER DRP ASSIGNMENT**

OTP cases are assigned to a DRP upon initiation. IP cases are assigned to DRPs following expiration of the 45-day conciliation period. After DRP appointment, a total of 22,496 cases were resolved during the quarter, resulting from a combination of DRP-issued awards (which includes denials and appeals), prehearing dismissals, settlements, and withdrawals.

The following table represents the distribution and outcomes of cases across the entire DRP panel during the fourth quarter of 2015 after the cases were assigned to DRPs. Note that the tally of awarded and settled cases displayed in the "Disposition of Cases After DRP Added" Section and Appendix A may vary slightly because of the method of collecting data for each. For example, an award rendered by a three

DRP panel is reported for each DRP in Appendix A. A case that settles while in abeyance without an active DRP will not be counted in Appendix A.

Disposition	IP - North	IP - Central	IP- South	IP - Total	ОТР
Awarded/Denied	3544	966	950	5460	765
Dismissed by DRP	11	3	2	16	0*
Settled	2396	715	693	3804	1441
Withdrawn	539	105	120	764	202
Total	6490	1789	1765	10,044	2408

<sup>\*</sup> Not applicable to OTP proceedings

#### **REGIONAL AWARDS PERCENTAGE**

A total of 6,225 awards were issued by DRPs concerning requests for emergent relief, standard relief and fee disputes in both IP and OTP proceedings. Of the awards issued for IP cases (5,460), 65% were in the North region, 18% in the Central region, and 17% in the South.

An online database of these awards is located at <u>www.nj-no-fault.com</u>.

#### **AWARDS AS A PERCENTAGE OF CLAIM AMOUNT**

DRPs can deny a claim in its entirety or award all or part of an amount requested by a Claimant. For cases decided in the fourth quarter of 2015, the table and graph below indicate the distribution of DRP total awarded amounts, from 0% (denied/dismissed) to 100% of claimed amounts. Total awarded amounts include PIP benefits, legal fees, and costs.

For purposes of the data table and chart below, amended amounts are captured within a total amount claimed and then compared to the total amount awarded.

	Dismissed	Denied	1-33%	34-66%	67-100%	Total
IP - Central	3	124	96	175	448	846
IP - North	11	525	376	752	1526	3190
IP - South	2	155	55	149	464	825
ОТР	0	250	17	37	281	585
Total	16	1054	544	1113	2719	5446

<sup>\*</sup> Not applicable to OTP proceedings

Dismissed
Denied
1-33%
34-66%
67-100%

Note: The award data in this section excludes consent awards and appellate awards.

#### PIP BENEFITS AND ATTORNEY'S FEES COMPARISON

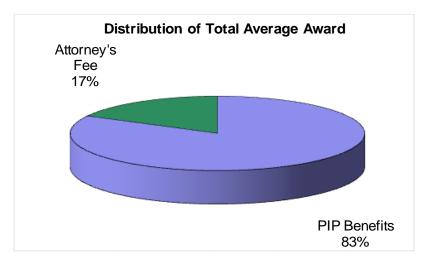
Central

North

System-wide, the average amount awarded in arbitration (excluding filing fees) was \$4,614, comprised of \$3817 for personal injury protection benefits and \$797 for attorney's fees per case. The graphical representation compares the data as percentages.

OTP

South



#### AWARD AVERAGE, MEDIAN AND DOLLAR RANGE

The average amount awarded for claims other than attorney's fees and costs was \$3,817\* per case. Awarded amounts ranged from \$0 to \$ to \$247,072. The median award during the reporting period was \$1,211. Note that the calculation of the average and median includes cases in which the amount awarded was \$0.

The average amount awarded for attorney's fees was \$797 per case. Awarded attorney's fees ranged from \$0 to \$7,125. The median attorney's fee award during the reporting period was \$950. Note that the calculation of the average and median attorney's fee includes cases in which the amount awarded was \$0.

	Average	Dollar Range	Median
PIP Benefits' Award	\$3,817*	\$0 to \$247,072	\$1,211
Attorney's Fee Award	\$797	\$0 to \$7,125	\$950

<sup>\*</sup> Note: It is common practice for users to stipulate that amounts awarded by DRPs are subject to further reduction for policy deductibles, co-payments, prior payments, and/or medical fee schedule adjustments. In such cases, the final amount paid by the Respondent for PIP benefits may be less than the awarded amount.

#### **APPEALS**

Twenty-one appeals to panels of three DRPs were concluded during the reporting period. Thirteen involved awards or dismissal orders rendered in the North Region, three in the Central Region, and four in the South Region. One OTP award was appealed. Thirty-three percent of appeals resulted in some form of vacation or modification. The following table reports the results.

	IP - North	IP - Central	IP- South	ОТР	Total
Affirmed	8	2	4	0	14
Modified	3	1	0	0	4
Vacated & Modified	2	0	0	0	2
Vacated & Remanded	0	0	0	1	1
TOTALS	13	3	4	1	21

#### **MEDICAL REVIEW ORGANIZATION REPORT**

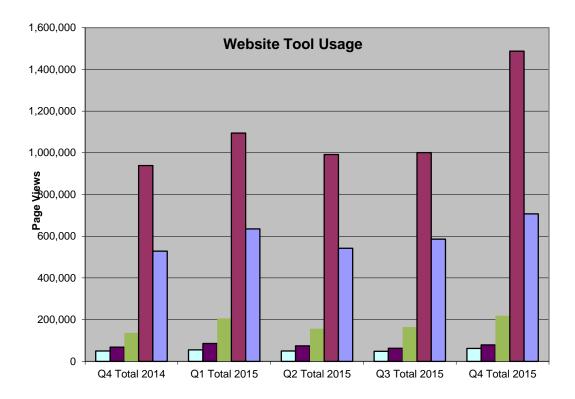
There are currently four Medical Review Organizations certified by the Department of Banking and Insurance. They are ExamWorks, formerly known as CFO Medical Services, First Managed Care Option ("FMCO"), Support Claim Services ("SCS"), and Rising Medical Solutions. Information relevant to MRO usage is outlined in the table below.

MRO	Request By Party	Request By DRP	Total Requests	Request for Information	Report in 20 Business Days	Report After 20 Business Days	
ExamWorks	6	0	6	0	6	О	
FMCO	4	0	4	0	4	О	
Rising Medical	4	0	4	0	4	О	
SCS	2	0	2	0	2	О	
TOTALS	16	0	16	0	16	О	

Note that MRO requests are reported by case. If a request pertains to consolidated cases, it is counted for each case.

#### ONLINE CASE MANAGEMENT AND AWARD SEARCHING

This section of the report provides usage data for Forthright's free web-based case management tools for PIP practitioners located online at <a href="www.nj-no-fault.com">www.nj-no-fault.com</a>. Forthright completely redesigned and enhanced the functionality of the user web portals as a free customer service. PIP practitioners now access a "dashboard" from which they can navigate through their case information. They can retrieve and view both parties' document submissions as well as access rules and forms, file and manage cases online, upload case documents, and search prior decisions. The chart below compares usage for the past five calendar quarters.





### **APPENDIX A**

DRP	Region	<u>IP</u> Assigned	OTP Assigned	IP Settled/ Withdrawn	OTP Settled/ Withdrawn	IP Awarded/ Denied	OTP Awarded/ Denied	In Person Proceedings
Aloi, Anthony M.	CENTRAL	163	32	81	18	83	8	91
Amendola, Francesca	NORTH	101	31	69	25	61	8	60
Andolino, Michael D.	NORTH	153	41	58	25	90	18	97
Annunziata, Maria	CENTRAL	210	15	99	16	80	17	105
Barry, Martin M.	CENTRAL	118	21	87	11	66	12	84
Campbell, Jennifer M.	NORTH	155	48	73	32	74	15	92
Carnelli, Christopher M.	SOUTH	118	50	74	32	88	13	85
Caserta, Patrick J.	NORTH	126	36	64	27	85	14	85
Cassella, Deborah M.	NORTH	141	59	67	33	87	13	97
Celentano, Cynthia J.	NORTH	157	28	82	23	75	11	78
Croft, Douglas M.	NORTH	125	26	52	13	73	10	93
Damiano, Robert S.	NORTH	127	35	72	26	77	19	100
Daniskas, Maria I.	NORTH	183	56	69	45	71	13	88
Della Badia, Joseph	NORTH	178	29	75	20	79	6	78
DeMarco, Jodi L.	NORTH	171	41	63	33	69	15	60
DeMarco, Joseph	NORTH	189	54	67	34	103	12	92
Ducey, John G.	CENTRAL	162	25	81	15	91	13	97
Eisele-Grabowski, Karen	SOUTH	155	56	83	39	107	12	105
Fabiano, Edward	NORTH	146	46	58	24	96	7	107
Fannan, John J.	CENTRAL	146	8	84	9	94	4	91
Fazio, Cataldo F.	NORTH	153	39	93	26	113	13	103
Finiello, Susanne N.	SOUTH	229	21	48	3	0	0	4
Foley, Patrick W.	CENTRAL	142	11	60	6	102	6	102
Frankland, Suzanne J.	NORTH	114	33	57	20	82	12	78
Ganzhorn, Lisa A.	NORTH	162	60	54	44	99	16	102
Garrabrandt, James H.	NORTH	166	42	68	27	79	10	90
Grabowski, David A.	SOUTH	150	9	82	8	103	12	104
Granato, S. Caroline	SOUTH	150	53	77	43	78	7	88
Hackett, Michael	NORTH	127	26	74	22	62	8	61
Hebron, Sylvia A	NORTH	165	46	81	35	91	12	98
Johnston, Maureen M.	NORTH	202	13	72	13	68	5	97
Kaczka, Thomas M.	NORTH	154	39	85	34	70	15	78
Kaiser, Brian K.	NORTH	122	57	60	23	81	20	97
Karbasian, Carolyn K.	SOUTH	165	40	68	20	102	19	111
Keller, Grant W.	SOUTH	142	50	58	43	98	21	119
Kincade, Kathleen D.	CENTRAL	115	15	61	16	86	10	90
La Salle, Robert C.	NORTH	168	32	81	29	90	13	104
LaPorta Esq., David M.	NORTH	143	50	72	43	94	16	107
LaPorta, Phillip A.	NORTH	181	34	80	21	89	5	116
Lardiere, Andrea L	CENTRAL	159	34	84	15	95	13	120
Lesser, Gary T.	NORTH	171	52	69	36	95	11	105
McFadden, Michael K.	SOUTH	144	32	66	18	62	6	74
Miller, Matthew G.	NORTH	132	36	61	21	70	11	92
Mundy, Lisa D.	NORTH	119	35	60	21	54	15	70
Nardella, George C.	NORTH	157	64	73	41	77	9	79
Noonan, Scott M.	NORTH	137	46	57	25	92	8	107

O'Brien, Matthew J.	NORTH	137	40	53	26	104	14	84
Odell, Barry K.	CENTRAL	125	17	53	9	112	6	119
O'Donnel, Kenneth L.	NORTH	109	32	50	20	69	10	106
Patriaco, Andrew A.	NORTH	162	52	78	29	72	13	89
Pettersen, Nina L.	SOUTH	175	33	96	25	73	11	79
Reis, Karen M.	NORTH	108	45	57	25	79	16	76
Remington-Knodel, Jennifer	NORTH	115	48	64	32	89	13	105
Reynolds, William E.	SOUTH	133	41	57	26	96	12	91
Riva, Joseph J.	NORTH	144	60	73	38	91	21	99
Rivera, Barbara Brosnan	NORTH	179	44	80	38	86	9	96
Sacco, Russ	NORTH	111	38	62	21	115	11	113
Sproviero, Scott G.	NORTH	160	42	61	21	71	7	113
Stampone, Vincenzo	NORTH	127	45	52	36	98	13	95
Stokes, Nanci G.	NORTH	144	58	53	35	82	12	87
Sutton, Gregory J.	SOUTH	23	6	35	12	67	15	38
Tamburino, Joseph A.	NORTH	155	58	65	40	72	9	95
Tarrant, Tara D.	NORTH	133	22	70	13	67	14	79
Voorhees, Gregory X.	CENTRAL	143	33	95	20	62	3	73
Wallen, Kate R.	SOUTH	162	14	73	6	84	9	99
Zimmerman, Richard T.	NORTH	151	33	75	18	93	16	84
Total		9689	2467	4561	1643	5463	767	6001



## **Contact us**

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