

ADOPTION SECTION

INSURANCE

DEPARTMENT OF BANKING AND INSURANCE

OFFICE OF PROPERTY AND CASUALTY

Notice of Administrative Correction

Automobile Insurance

Personal Injury Protection Dispute Resolution

Conduct of PIP Dispute Resolution Proceedings

N.J.A.C. 11:3-5.6

Take notice that the Department of Banking and Insurance discovered an error in N.J.A.C. 11:3-5.6(f). As proposed and adopted (see 43 N.J.R. 1640(a) and 44 N.J.R. 2652(c)), effective November 5, 2012 (operative January 4, 2013), the last sentence of the subsection provides, “Where the arbitration has been filed by a provider who is the assignee of benefits pursuant to N.J.A.C. 11:3-4.7B, the payment shall be made payable to the provider.” The reference in the sentence to N.J.A.C. 11:3-4.7B, which concerns the internal appeals procedure, is incorrect; the correct reference is to N.J.A.C. 11:3-4.9, which addresses assignment of benefits. This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

Full text of the corrected rule follows (addition indicated in boldface **thus**; deletion indicated in brackets [thus]):

11:3-5.6 Conduct of PIP dispute resolution proceedings

(a) – (e) (No change.)

(f) The award shall be signed by the dispute resolution professional. The original shall be filed with the administrator, and copies provided to each party. If the award requires payment by

the insurer for a treatment or test, payment shall be made together with any accrued interest ordered in the award pursuant to N.J.S.A. 39:6A-5, within 45 days of the insurer's receipt of a copy of the determination, unless one of the actions permitted in (g) below has been filed. Where the arbitration has been filed by a provider who is the assignee of benefits pursuant to N.J.A.C. 11:3-[4.7B]**4.9**, the payment shall be made payable to the provider.

(g) (No change.)