

**State of Rhode Island and Providence Plantations
DEPARTMENT OF BUSINESS REGULATION**

Division of Insurance

**1511 Pontiac Avenue, Bldg. 69-2
Cranston, Rhode Island 02920**

Notice of the Publication of a Proposed Direct Final Rule

Pursuant to the provisions of R.I. Gen. Laws § 27-9.2-5, and in accordance with the Administrative Procedures Act R.I. Gen. Laws §§ 42-35, and specifically R.I. Gen. Laws § 42-35-2.11 of the amended Administrative Procedures Act, the Department of Business Regulation (DBR) hereby proposes to repeal Insurance Regulation 79 – Independent Medical Examinations. DBR is taking this action because review of the statute has indicated that the statute is self-executing and the regulation is not necessary. DBR believes that this proposed action is noncontroversial and anticipates that no objection will be received to this proposed repeal.

Pursuant to the requirements of R.I. Gen. Laws §§ 42-35-2.6 and 42-35-2.7, DBR has made the following determinations. DBR has considered alternative approaches to the proposed repeal and has determined that there is no alternative approach among the alternatives considered that would be as effective and less burdensome. DBR has determined that the proposed repeal is necessary as a regulation is not required to implement the provisions of R.I. Gen. Laws §§ 27-9.2.

A copy of the repealed regulation will be available for examination from April 19, 2017 through May 22 2017, by mail or at the offices of the Department of Business Regulation, 1511 Pontiac Avenue, Cranston, Rhode Island 02920, or requested by email elizabeth.dwyer@dbr.ri.gov or by calling Elizabeth Kelleher Dwyer at (401) 462 9520. Electronic copies of the proposed repeal will also be available on the DBR website at www.dbr.ri.gov.

DBR encourages the submission of written objections to the proposed repeal of Insurance Regulation 79. If no objection is received on or before May 22, 2017 DBR will file the regulation without opportunity for public comment and the regulation will be effective on May 22, 2017. All written objections should be sent to the Department of Business Regulation, 1511 Pontiac Avenue, Cranston, Rhode Island 02920, or requested by email elizabeth.dwyer@dbr.ri.gov and must be received no later than 11:59 PM on **May 22, 2017**.

Scottye Lindsey
Director, Department of Business Regulation

Posted: April 19, 2017

State of Rhode Island and Providence Plantations
DEPARTMENT OF BUSINESS REGULATION
Division of Insurance
233 Richmond Street
Providence, RI 02903

INSURANCE REGULATION 79

INDEPENDENT MEDICAL EXAMINATIONS

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Section 1 — Authority

This Regulation is promulgated pursuant to R.I. Gen. Laws §§ 27-9.2-1 ~~et seq~~ and Section 42-14-17.

Section 2 — Purpose

The purpose of this Regulation is to establish procedures to be followed when a request is made by an insurer for a first or third party claimant to submit to an independent medical examination.

Section 3 — Definitions

- A. — "Director" means the Director of Business Regulation or his or her designee.
- B. — "Insurer" means all persons, firms, corporations, or associations authorized to offer automobile insurance in this state.
- C. — "Physician" means medical doctor, surgeon, dentist, chiropractor, osteopath, podiatrist, or optometrist.

D. — ~~"First Party Claimant" means an individual, corporation, association, partnership, or other legal organization asserting a right to payment under their own insurance policy arising out of the occurrence of the contingency or loss covered by the policy.~~

E. — ~~"Third Party Claimant" means any person asserting a claim against another persons insurance policy.~~

F. — ~~"Claimant" means either a first party claimant, a third party claimant, or both, and includes the claimant's designated legal representative and includes a member of the claimant's immediate family designated by the claimant.~~

G. — ~~"Medical Advisory Board" means the Board as defined in R.I. Gen. Laws § 28-30-22.~~

H. — ~~"Independent Medical Examiner" means any physician approved by the Medical Advisory Board as an impartial medical examiner.~~

Section 4 — Appointment of Independent Medical Examiner

~~Whenever an insurer and a first or third party claimant cannot agree on the appointment of an independent medical examiner, the insurer shall submit a written request for appointment of an independent medical examiner to the Director, including the name and address of the person to be examined. The Director will make an appointment in writing from a list of independent medical examiners supplied to the Director by the Medical Advisory Board, with the appointments made on a rotating basis. Every effort will be made so as to not inconvenience the party to be examined.~~

Section 5 — Independent Medical Examiner's Report

~~If requested by a person examined, the party causing an examination to be made shall deliver to the person a copy of every written report concerning the examination rendered by an examining physician, at least one (1) of which reports shall set out any findings and conclusions in detail. The person shall receive a copy of the findings of the independent medical examination within thirty (30) days of the request.~~

Section 6 — Cost of Independent Medical Examination

~~Any expense associated with a request for an independent medical examination shall be paid for by the insurer making the request for such examination.~~

Section 7 — Policy Provision

~~Every automobile insurance policy issued in this state shall include a provision for the examination of persons claiming medical payment benefits.~~

Section 8 — *Effective Date*

~~This Regulation shall become effective on January 20, 1994.~~

EFFECTIVE DATE:	January 20, 1994
AMENDED:	None
REFILED:	December 19, 2001
REPEALED:	April 1, 2017