

March 7, 2008



To: NASP Membership:

From: Daran Kiefer, NASP Amicus Chair

**RE: N.Y. ANTI-SUBROGATION BILL; MAKE SUBROGATION'S VOICE HEARD!**

As we celebrate the 10<sup>th</sup> anniversary of NASP, we all need to be engaged in the struggle to protect subrogation rights across the country as legislators and states try to eliminate or restrict subrogation rights across all lines of business. For the Amicus Committee, this struggle has focused for the past couple years on legislation in the State of New York which could cost every line of business millions of dollars in subrogation recoveries.

Now, New York again takes center stage with Governor Elliott Spitzer re-introducing a bill which would eliminate subrogation and reimbursement rights unless they are provided by statute. The current N.Y. bill (S6806-A / A9806-A) again seeks to eliminate the right of any insurer to recover through subrogation benefits which arise from a "claim founded on personal injury or wrongful death". The only rights exempted are those whose subrogation is based upon a statutory subrogation right. **N.Y.'s bill would eliminate contractual subrogation anytime a claim involves or may involve personal injury.**

As subrogation professionals, we need to act to prevent N.Y. from setting dangerous precedent in such a broad sweeping elimination of subrogation rights. NASP's members need to prevent such a bill from being enacted and then imitated by other states. Additionally, the N.Y. bill could unintentionally reach other lines of business. The current language of the bill may be interpreted to reach not only health claims but possibly auto and property claims unless their subrogation is provided by statute.

Regardless of the type of subrogation work you do, NASP needs all its members to reach out to the leadership of the N.Y. Senate to ask them to defeat this anti-subrogation provision. NASP's Amicus Committee will be forwarding a letter to the leadership of the N.Y. Senate asking them to reject this bill. NASP will share this letter with all members and implores each one of you to draft a letter to the Senate leadership asking them to reject this bill. If you draft a letter, please provide NASP with a copy of it as well.

If you are interested, we will be holding a conference call for all NASP members on Friday, March 14<sup>th</sup> at 12:00 EDT to discuss this bill and its potential impact. If you wish to participate, please email Gloria at [Gloria@subrogation.org](mailto:Gloria@subrogation.org) and she will provide you with the conference call information. Please take time from your busy subrogation activities to make our voice heard in N.Y. Whether your recovery efforts are in N.Y. or only in some other state, your letter to the N.Y. Senate can make a difference for subrogation's continued future.