

General Information about the New York State Medical Indemnity Fund for Providers

What is the Medical Indemnity Fund and Why Was It Created?

The Medical Indemnity Fund (“Fund”) was created as an amendment to Article 29-D of the New York Public Health Law in 2011. The Fund’s purposes are to (1) pay or reimburse the costs necessary to meet the health care needs of “qualified plaintiffs” throughout the plaintiff’s lifetime and (2) lower the expenses associated with medical malpractice litigation throughout the healthcare system. To achieve its purposes, it is designed to pay the cost of all future health care needs of plaintiffs who have received either a court-approved settlement or a judgment as a result of a medical malpractice action alleging that the plaintiff’s neurological injuries were the result of medical malpractice during the delivery admission.

Information about the Fund can be found on the New York State Department of Financial Services (“DFS”) Fund web page. This information is also accessible by clicking on “Medical Indemnity Fund” under “Current Issues” on the New York State Department of Health home web page. A separate Fund website, mif.dfs.ny.gov, will be available in the near future.

Regulations governing the proper administration of the Fund are the responsibility of the Commissioner of Health in consultation with DFS. The regulations are set forth in 10 NYCRR Subpart 69-10.

Who Is Eligible For Enrollment in the Fund?

Any person who has been deemed in a court-approved settlement or found in a judgment to have sustained a “birth-related neurological injury” as a result of medical malpractice or alleged medical malpractice is a “qualified plaintiff” for enrollment purposes.

What Costs Will the Fund Cover or Reimburse?

The Fund will pay or reimburse the cost of those health care services, supplies, equipment, and medications that the qualified plaintiff’s physician, physician assistant or nurse practitioner has determined are necessary to meet the qualified plaintiff’s health care needs. Such costs include those incurred for:

- Medical treatment
- Nursing care
- Prescription & non-prescription medication
- Assistive technology
- Other health care costs related to services, supplies, equipment and medication utilized by Fund enrollees.
- Hospital-based care, including surgical care
- Dental care
- Durable medical equipment
- Certain home and certain vehicle modifications

Services, supplies or equipment provided to or available to enrollees under an Individualized Education Program, Preschool Supportive Health Services, and the Early Intervention Program or through any commercial insurance under which the enrollee is covered are **NOT** covered by the Fund.

At What Reimbursement Rates Are Qualified Health Care Costs Paid by the Fund?

Services provided in a private physician’s office are reimbursed at the 80th percentile of the “usual and customary rate” for that type of practice in the geographic area in which the practice is located, as reported by Fair Health, Inc. Other services and supplies, equipment and medications for which there is a Medicaid fee or rate will be paid at that fee or rate. Services or equipment that requires a prior approval will be paid in an amount established by the prior approval

process. Providers cannot bill the qualified plaintiff or his or her family for any additional amount beyond the amount covered by the Fund.

Who administers the Fund?

The Fund is administered by DFS. DFS has contracted with Sedgwick Claims Management Services, Inc. to administer the day-to-day operation of the Fund for its first year of operation.

**New York Medical Indemnity Fund
Payment Request Submission Instructions**

Approved enrollees are issued NY MIF Identification Cards (sample below.)

At present, providers of the New York Medical Indemnity Fund seeking payment or reimbursement of qualifying health care costs may send a completed *HCFA 1500* form and submit to:

Via regular mail:

New York Medical Indemnity Fund
c/o Sedgwick
300 Broadhollow Rd.
Suite 215W
Melville, NY 11747
Phone: 1-855-696-4333

Via email:

NewYorkMIF@sedgwickcms.com

Sample Identification Card:



**Feel Free to call (toll free):
1-855-696-4333
with any questions you may have.**