



## IMPORTANT MIIX INSURANCE COMPANY UPDATE

When MIIX was liquidated, the “notice of claim” date was set at April 9, 2009, after which former MIIX policyholders would no longer benefit from the \$300,000 coverage provided by the NJ Property-Liability Guarantee Association (PLIGA).

Our agency worked with several advocacy groups, as well as PLIGA and the NJ Department of Banking and Insurance (DOBI) to successfully extend this notice of claim date. Unfortunately, the date was only extended by one year, and is now set at April 9, 2010. Based on the language in the petition, we no longer have reason to believe that this date will again be extended. Specifically, the petition reads:

*“Allowing PLIGA to handle such claims for another year will allow insured physicians the additional time necessary to fully evaluate whether they need to purchase ‘gap coverage,’ i.e. supplemental insurance for as-yet unreported incidents that occurred prior to the termination of their coverage with MIIX.”*

**Thus, we are now advising all of our clients that were previously insured with MIIX to purchase MIIX “Gap” coverage PRIOR to April 10, 2010.**

Many physicians believe that they may be protected by the “statute of limitations” in NJ, which requires claims to be filed within 2 years from the time a plaintiff learns, or should have learned, that “negligence” was committed. **As our agency does not provide legal advice, we strongly encourage all of our clients to seek independent legal advice on these complicated issues,** but we have been advised that some of the highlights are as follows:

- Because the statute of limitations is a “discovery” statute, some claims (e.g. “failure to diagnose”) may take far longer to discover than others, thus extending the two-year rule.
- The two-year statute of limitations does not begin to run on patients until they reach the age of majority (18), so minors have until their 20<sup>th</sup> birthday to file a claim.
- Birth-related injuries currently must be filed by age 13, but many experts believe this law will be challenged as soon as the appropriate case presents itself.

We receive many inquiries on this matter, and welcome you to call our office at any time for more information. Our website, [www.insuranceagent.com](http://www.insuranceagent.com) will also be updated regularly on this and other issues pertinent to your medical malpractice insurance.

**Professional Liability Specialists**

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