

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

56 Old Suncook Road
Concord, NH 03301-7317

Paula T. Rogers
Insurance Commissioner

BULLETIN

Docket Number: INS NO. 99-012-AB

TO: All Licensed Insurers

DATE: August 25, 1999

FROM: Commissioner Paula T. Rogers

SUBJECT: FRAUD WARNING STATEMENT RSA 402:82

NH RSA 402:82 READS AS FOLLOWS:

ALL INSURANCE CLAIM FORMS SHALL CONTAIN A STATEMENT THAT CLEARLY STATES IN SUBSTANCE THE FOLLOWING: "ANY PERSON WHO, WITH A PURPOSE TO INJURE, DEFRAUD OR DECEIVE ANY INSURANCE COMPANY, FILES A STATEMENT OF CLAIM CONTAINING ANY FALSE, INCOMPLETE OR MISLEADING INFORMATION IS SUBJECT TO PROSECUTION AND PUNISHMENT FOR INSURANCE FRAUD, AS PROVIDED IN RSA 638:20." HOWEVER, THE LACK OF SUCH A STATEMENT SHALL NOT CONSTITUTE A DEFENSE AGAINST PROSECUTION UNDER RSA 638:20.

SOME COMPANIES ARE PLACING THE FRAUD WARNING ON ALL CORRESPONDENCE, INCLUDING CORRESPONDENCE RESPONDING TO LETTERS OF REPRESENTATION FROM COUNSEL.

SINCE THE STATUTE REQUIRES THE USE OF THE STATEMENT ON CLAIM FORMS, IT IS THE DEPARTMENT'S INTERPRETATION THAT THE WARNING BE INSERTED ONLY ON DOCUMENTS THAT THE COMPANY OR THE LAW REQUIRES TO BE COMPLETED BY THE CLAIMANT AS A CONDITION TO PAYMENT OR MAKING A CLAIM, FOR EXAMPLE, PROOFS OF LOSS, MEDICAL PAYMENT AFFIDAVITS, RELEASES, OR TRUST AGREEMENTS.

If you have questions or comments please contact Robert L. Stanton, Director, Insurance Fraud Unit at 603-271-2261 or by FAX 603-271-7029.