

INFORMATION FOR OBTAINING A RELEASE

Please address your request for a release from Federal Priority Statute liability to:

Sharon C. Williams
Trial Attorney
United States Department of Justice
P.O. Box 875
Ben Franklin Station
Washington, D.C. 20044

or

1100 L Street, N.W., Room 7004
Washington, D.C. 20005

sharon.williams@usdoj.gov

We prefer that you use e-mail, Federal Express, or another form of hand delivery. If you use regular mail, we may not receive your materials for an additional two to three weeks because of security concerns.

To begin a review of your request for a release, we need the following:

- 1) A letter requesting the release that includes:
 - a) the estate's EIN or TIN (Tax ID No.);
 - b) address(es) used;
 - c) other names used and/or names of any subsidiaries or predecessors in interest;
 - d) line(s) of business; and
 - e) a list of states in which the company did business.

The information requested in a-e above can be in the Affidavit described below, instead of the letter, or both.

- 2) A table of all claims filed (may be on a cd);
- 3) The last tax return filed;
- 4) The court order of liquidation, or rehabilitation (if the company is not in liquidation); and
- 5) A list of all policyholders - unless the lines of business were limited to medical insurance.

We also need an Affidavit from the rehabilitator or liquidator which includes:

- 1) Whether or not there are United States claims;

- 2) If there are United States claims, which agency(ies) have those claims, the amounts of the claims, the allowed amounts of the claims, and the treatment of those claims in the contemplated distribution;
- 3) Whether or not the insurance company ever issued policies or bonds for the benefit of the United States;
- 4) A statement that the table of all claims sent to us is complete.

The Affidavit also needs to answer the following questions regarding Medicare:

- 1) Did the insurance company have any policies that included coverage for tort liability?
- 2) Did the insurance company have any policies that included coverage for medical expenses?

If the insurance company had policies that included coverage for either tort liability or medical expenses:

- Please state the procedures followed to determine whether the recipients of payments on those policies were 65 years of age or older, disabled, or otherwise entitled to benefits under the Medicare program.
- Please state the procedures followed by the Liquidator to ascertain if payments made pursuant to those policies related to items or services paid for by the Medicare program.
- If Medicare payments were found, please identify the efforts the Liquidator made to resolve the Medicare claims, and also, identify the procedures the Liquidator followed to report the Medicare claims and the insurance company's payments.

Please state in the Affidavit whether the Liquidator has fully complied with all reporting requirements of 42 U.S.C. § 1395y(b)(7) and (8), and all program instructions issued thereunder (presently found at <http://www.cms.gov/MandatoryInsRep/>). Also, please state whether the Liquidator has reimbursed the United States pursuant to 42 U.S.C. § 1395y(b)(2)(B) for all Medicare payments that were made for items and services on behalf of Medicare beneficiaries whose medical care should have been paid for by the insurance company or whose medical care was, or should have been, paid for pursuant to policies issued by the insurance company.

Please note that this list is provided as guidance and does not have any force or effect of law. Providing the requested documents is voluntary and failure to provide the documents will not, in itself, result in any enforcement action.

Finally, in your correspondence, please do not refer to your company by its initials.