

JOSEPH A. MASSOOD  
PETER J. DE FRANK+

KIM E. SPARANO  
SCOTT F. DIENER  
DEBRA A. LEONE^  
DAVID B. ANGELUZZI~  
DENNIS M. BAPTISTA-

+NJ, NY and CT Bars  
\*NY Bar  
^NJ and NY Bars  
~NJ and WI Bars  
-Certified by the Supreme Court of  
New Jersey as a Worker's  
Compensation Law Attorney

## MASSOOD LAW GROUP, LLC

50 PACKANACK LAKE ROAD EAST  
Wayne, New Jersey 07470-6663  
(973) 696-1900  
Fax (973) 696-4211

Email: MAIL@MASSOODLAW.COM

OF COUNSEL  
COLLEEN M. TERRY\*

GALESI OFFICE  
30 Galesi Drive, Suite 304  
Wayne, NJ 07470  
973-837-8880  
973-837-8550-f  
Email: pipfile@massoodlaw.com

NY NO-FAULT  
1248A Clintonville Street, 2<sup>nd</sup> Floor  
Whitestone, NY 11357  
718-767-6100  
718-767-6101-f  
Email: nypipfile@massoodlaw.com

August 7, 2018

# PIP/COMMERCIAL LITIGATION ALERT

**ATTN: Medical Providers/Billing Companies**  
**From: Joseph A. Massood, Esq.**  
**Re: ERISA Claims/Power of Attorney/Revised PIP  
Assignment/Power of Attorney**

Recently, the Third Circuit Court of Appeals upheld Horizon's Anti-Assignment Contract Provision. The court invalidated the patient's Assignment thereby finding that the medical provider did not have standing. However, the Third Circuit stated that the Health Insurer could not limit the patient's right to execute a power of attorney which would allow the doctor to bring a claim in the patient's name for his outstanding medical bills. This decision may also be very beneficial in PIP litigation where a medical provider failed to appeal or did not file a valid appeal.

In order for a power of attorney to be valid, the patient must sign same in the presence of a notary with one witness. The Assignment of Benefits does not need to be notarized, the power of attorney does. I have prepared a Power of Attorney for Commercial Litigation and an Assignment of Benefits/Power of Attorney for PIP disputes which can be found on the website. Medical providers should immediately begin using the updated Assignment of Benefits/Power of Attorney for PIP disputes and the Power of Attorney for Commercial Litigation.

If you want further information concerning this please contact the undersigned directly.