

Published on *The National Law Review* <https://natlawreview.com>

Insured's Failure To Execute HIPAA Authorization And Submit To Oral Examination Under Oath Barred Her UIM Claim.

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Allstate sought a declaration that the insured breached the UIM provisions of the insurance contract in refusing to execute a HIPAA authorization and submit to an oral examination. The policy required any person making a claim to submit to an examination under oath and sign authorizations to obtain medical reports and copies of records. The trial court rejected plaintiff's claim that the Rules of the American Arbitration Association did not require her to comply with the requests and entered summary judgment for Allstate.

The First District affirmed. The terms of the policy were clear and unambiguous requiring the insured to comply with Allstate's requests. The AAA Rules did not apply because there was no inability to reach a settlement prior to the institution of an arbitration. The UIM claim had not yet been completed because the defendant failed to comply with the terms of the claims submission. *Allstate Ins. Co. v. Mack*, 2016 IL App (1st) 141171.

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National Law Review, Volume VI, Number 354

Source URL: <https://natlawreview.com/article/insured-s-failure-to-execute-hipaa-authorization-and-submit-to-oral-examination>