

## **WHAT YOU NEED TO KNOW ABOUT FLORIDA'S REVISED PERSONAL INJURY PROTECTION ("PIP") STATUTE**

By Travis L. Stock, Esq. of the Weinstein Law Firm | May 23, 2012

On May 04, 2012, Florida Governor Rick Scott signed legislation that was designed to reduce auto accident fraud, lower the cost of auto insurance premiums, and reduce the litigation costs associated with the current Personal Injury Protection ("PIP") insurance statute. The purpose of this article is to help Florida motorists understand the changes made in the revised statute and to discuss how the changes will impact auto accident insurance claims when the revised statute takes effect. A portion of the revised statute goes into effect on July 01, 2012, with the remainder going into effect on January 01, 2013. Keep in mind that, in most cases, your insurance company may not be required to amend your policy or notify you about these changes before this revised law applies to your situation.

- In most cases, the revised PIP statute will apply to accidents occurring after July 01, 2012.
- Despite the fact that you are required to have \$10,000 in PIP insurance coverage, your claim for PIP benefits, if you are injured in an auto accident, will be limited to \$2,500 unless a medical doctor, osteopathic physician, dentist, physician assistant, or an advanced registered nurse practitioner determines that you have an "emergency medical condition", as that term is defined in the revised statute.
- You **MUST** receive initial services and care within 14 days after your auto accident or you will **NOT** be eligible to recover PIP benefits.
- If you receive initial services and care within the 14 days, you can then seek follow-up treatment, consistent with the underlying medical diagnosis, as long as you get a referral from one of the medical providers listed in the statute
- Neither massage therapy nor acupuncture is covered under the revised PIP statute. If your treatment plan includes either, make sure you

check to see if your health insurance will pay for those services or you may have to pay out of your own pocket.

- If you receive a bill from a medical provider for services that were provided to you, be sure to inquire as to why the bill was not paid by your PIP carrier. If the bill was not paid because the medical provider did not timely submit the bill to the PIP carrier, then the medical provider most likely will not be able to bill you for the charges that were not paid because of the untimely submission.
- If your insurance carrier requests that you submit to an examination under oath (“EUO”), be sure that you comply because if you don’t your claim under PIP may be denied and you may have to pay for medical expenses that you have already incurred out of your own pocket.
- If your insurance carrier requests that you submit to a medical examination, be sure to give that request your immediate attention since an unreasonable refusal or failure to appear at the examination may result in your claim for subsequent PIP benefits being denied. Also, if you fail to appear at two (2) examinations, your refusal and/or failure to appear will be deemed unreasonable unless you can prove otherwise.
- Although one of the purposes behind the revised PIP statute was to lower insurance premiums, the Florida Legislature and Governor Scott gave the insurance companies an “out”, so we will all have to wait to see what happens. I wouldn’t hold your breath! Your safest bet would probably be to plan on your insurance premiums NOT decreasing, but we can always hope for the best.

*The Weinstein Law Firm was established by managing partner and civil justice attorney, Andrew Weinstein more than 15 years ago. The firm represents individuals and families injured in automobile and premises liability accidents, as well as those harmed by dangerous and defective products throughout the State of Florida. In addition, the firm represents Florida health care professionals in a wide range of legal issues, which include Personal Injury Protection (PIP) and insurance claims. More information can be found at [www.weinstein-law.com](http://www.weinstein-law.com) or by calling (954) 757-7500.*

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