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Personal Injury Protection (PIP) Effective January 1, 2013

What You Do Not Know Can Hurt You!

Understanding the recent changes to Florida's No-fault Automobile Insurance Law

In early 2012, Florida's legislature made drastic changes to Florida's no-fault auto insurance law at the urging of Governor Rick Scott and the auto insurance companies. Most significant were changes to the personal injury protection (PIP) component of your coverage that protects you should you unfortunately be involved in an auto accident and sustain injuries. While all Florida drivers will still be required to carry PIP coverage, the changes significantly alter how you will be able to seek and obtain medical care for your injuries following an accident. This information is offered to help our patients better understand and prepare for the future.

New Time Limits in Seeking Treatment

Unlike the law that expired December 31, 2012, which provides no time limit to seek treatment following an auto accident where your PIP benefits apply, the new law only allows **14 days** to seek treatment following the date of the accident. If you do not see a doctor during that timeframe, you will lose the ability to use your PIP coverage for any necessary treatment. This makes it critical to consult with a D.O., M.D., or A.R.N.P., and your chiropractor as soon as possible following an accident. If you are not taken by ambulance to the emergency room, follow up with one of the walk in convenient care clinics.

Changes in Coverage and Treatment Options

While you will continue to be required to carry and pay insurance premiums for a full \$10,000 of PIP coverage, in certain situations you may only be entitled to up to a \$2500 reduced benefit. The new law requires you have a determination of an "emergency medical condition" to access the full \$10,000 benefit. Most insurance companies will most likely argue you do not have a serious medical condition and will only allow the \$2500 benefit. This will most likely be litigated in the future. There are also restrictions on who is allowed to make this determination, unfairly discriminating against chiropractic physicians. This means we will have to refer you to another physician or health care provider to confirm that determination before we can provide necessary care above the \$2500 limit. The new law no longer requires your insurance company to pay for massage or acupuncture treatment.

What to do if You're Auto Insurance Carrier Stops Payment After \$2500?

If your auto insurance carrier stops payment after \$2500 for the \$10,000 in benefits for which you pay a premium for, you may continue to obtain treatment with our office under a letter of protection if you are represented by a lawyer and are filing a claim for recovery against the at-fault driver. Remember you always have the right to seek legal counsel for the early termination of your PIP benefits. Unfortunately, this new law is going to increase the # of lawsuits filed compared to the old law.

Impact to Your Insurance Premiums

While the auto insurance and legislature's goal of these benefit reductions is to attack fraud and reduce costs; there is no requirement in the new law that insurance companies reduce costs for these newly reduced benefits. This is what the insurance carriers lobbied they would do if new legislation was introduced in 2012. Carriers were asked to take a 10% reduction in premiums by their rate filings in October 2012, however, most chose not to comply. You may want to monitor you renewal premiums closely, as we are already hearing from patients that their rates are actually being increased.

Politics and the New PIP Law

Governor Rick Scott and the auto insurance companies twisted arms to pass this legislation. Several Florida State Students were at the capitol at the time the legislation was being presented. Many were asked why they were wearing t-shirts that said "Stop the Fraud" they responded they did not know why they were wearing the t-shirts-just that they were being paid to do so. In my opinion it is evident that the governor and insurance companies were not interested in stopping fraud, otherwise, the legislation passed would have reflected this. Yes the fraud needed to be addressed; however, it was a very small portion of the total claims being paid out. Their interest was only in deepening their pockets \$\$\$.

For More Information, Concerns or Complaints

The Florida office of Insurance Regulation may assist you if you experience a problem or have a complaint. You can submit a complaint online by going to their consumer services website at: <https://apps.fldfs.com/eservice>. You may voice your concerns to your elected representatives in the Florida Legislature. Visit: <http://www.flsenate.gov/Senators/find> to determine who represents you in both the House and Senate in Tallahassee and to find their contact information. Florida Governor Rick Scott can be contacted by calling 850.488.7146