

Change is in the air

Florida's new PIP law will go into effect soon. Make sure you're familiar with the changes and how they will affect you.

BY ALEN E. GORDON, MD, AND BENJAMIN G. PARTLOW, ESQ.

ON JAN. 1, 2013, FLORIDA'S NEW PIP LAW GOES INTO EFFECT AND will affect every Floridian who has an automobile accident.

The law will determine if an injured patient is able to receive treatment, and restricts the type of treatment the insured may have reimbursed by insurance. It also sets limits on the types of specialists who will be recognized for reimbursement.

It will affect the amount of payment and the types of treatment available to every healthcare provider and may affect the profits of the insurance industry.

Initial services and care

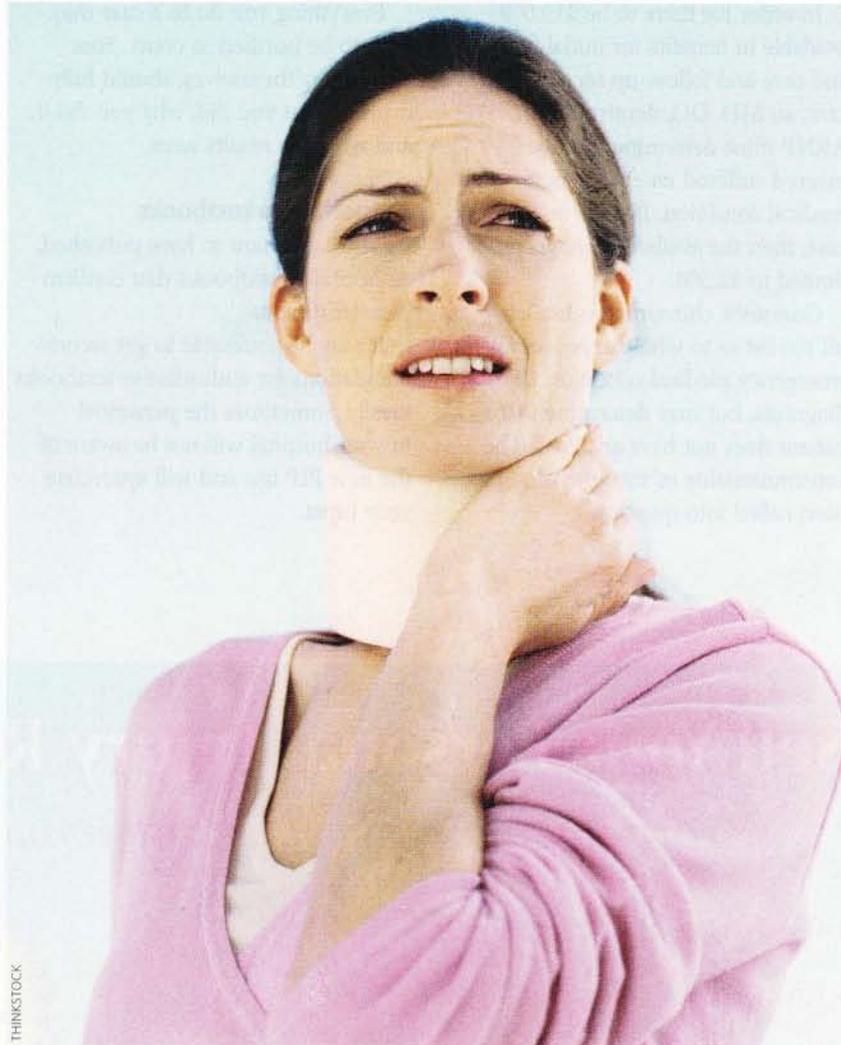
The new law will require patients to receive "initial services and care" from an MD, DO, dentist, DC, hospital, or facility that owns or is wholly owned by a hospital, or a person or facility that provides emergency transportation and treatment within 14 days of the accident or there will be no PIP payment and the insurance company can deny the claim.

The constitutionality of this provision has been called into question and will likely be challenged in court.

Follow-up services and care

If the insured wants to receive follow-up services and care, the available number of different authorized providers expands. There are, however, some restrictions.

The insured can be referred only by those specialties listed above that provide the initial services and care and the follow-up services and care must be consistent with the underlying medical diagnosis.



THINKSTOCK

Follow-up services and care are medical treatment that can be provided, supervised, ordered, or prescribed by an MD, DO, DC, dentist, or PA or ARNP if permitted under the supervision of these specialties. The follow-up services and care may also be given by a hospital or ambulatory surgical center; an entity wholly owned by an MD, DO, DC, or dentist; any entity that owns or is wholly owned by a

hospital; a physical therapist referred by an MD, DO, DC, or dentist; or a healthcare clinic that is accredited or has a medical director who's been continuously licensed for more than three years and provides certain medical specialties.

Limitations

Per the new statute, PIP insurers are not required to reimburse for massage or

acupuncture, regardless of the medical provider who renders the service, and regardless if it is for initial services and care or follow-up services and care.

Additionally, a licensed massage therapist or licensed acupuncturist is not entitled to payment from a PIP insurer.

In order for there to be \$10,000 available in benefits for initial services and care and follow-up services and care, an MD, DO, dentist, PA, or ARNP must determine that the insured suffered an emergency medical condition. If that's not the case, then the available benefits are limited to \$2,500.

Curiously, chiropractors are left off the list as to who can render an emergency medical condition (EMC) diagnosis, but may determine that a patient does not have an EMC. The constitutionality of this provision has been called into question.

Clear office records

It is important that a medical provider's records are immaculate. Every entry and every step in the diagnosis and treatment in an automobile accident case will be scrutinized by examiners who will be very familiar with the new PIP law.

Everything you do in a case may have to be justified in court. Your records, by themselves, should fully explain what you did, why you did it, and what the results were.

Authoritative textbooks

It's also important to have published, authoritative textbooks that confirm your treatment.

It may be preferable to get recommendations for authoritative textbooks locally. Sometimes the personnel in your hospital will not be aware of the new PIP law and will appreciate your input.

In the same way you document every step of patient treatment, document each step of how you obtained your textbooks and be prepared to explain the steps in court.

Tolling of time period for bills to be paid

Another new provision in the law allows for an insurance company to have an extended time period to pay your bills. If the insurance company has "a reasonable belief" that there has been fraudulent activity, then the insurer has an additional 60 days added to the 30-day period to investigate the claim and make a payment decision.

The insurance company must notify the claimant of its investigation for suspected fraud within 30 days of submission of the claim, and they have a maximum of 90 days to accept or deny the claim pursuant to this rule.

Sell Your Personal Injury Receivables!

Turn unpaid receivables into immediate cash!

- Receive Instant Cash Flow.
- Eliminate Collection Risk.
- Limited Paperwork & Fast Funding.



MedChex has teamed up with ChiroCapital!

Sell receivables on personal injury cases and now Patient Care Plans.



866-709-1100 Ext 102 • www.medchex.org • gschriber@chirocapital.net



If paid, the provider is owed interest from the date the claim was originally submitted.

Results

Will the new law result in lower auto insurance premiums, as stated by the legislature, or increase insurance industry profits?

Florida wanted the answer to this question and looked for a disinterested

firm to “evaluate the impact of the recent changes to Florida’s PIP law.” Florida is paying \$150,000 in tax dollars for this “evaluation.”

The state selected an actuarial firm for this evaluation.¹

Only time will tell if the changes made by the legislature will result in decreased PIP insurance fraud and lower insurance rates, or if the statute will survive constitutional attacks.

In the meantime, you should familiarize yourself with the changes and how they will affect you. 



ALEN E. GORDON, MD, has more than 50 years’ experience as an orthopedic surgeon. He now limits his practice to emergency medical determinations and testifying in court. He can be reached at 305-653-8000, aegordon@msn.com, or through alengordonmd.com.



BENJAMIN G. PARTLOW is the managing partner of the PIP division at Topkin, Partlow & Rader. He has more than six years’ experience handling thousands of PIP cases at every stage from pre-suit through trial. He can be reached at 954-422-8422 or bpartlow@topkinlaw.com.

 To read some of the questions and answers that may arise with the passage of the new law, visit ChiroEco.com/newpiplaw.

Reference

¹ www.healthnewsflorida.org/top_story/read/will_pip_changes_work_state_pays_firm_to_say.



Attractive HydroMassage lease options starting as low as...

about a fraction of the cost to hire a massage therapist.

“...Massage therapists get sick; have maternity leave... things happen. This doesn’t happen with the HydroMassage; it’s waiting for people all day long.”
 -- Dr. Damian Scelfo, Winston Salem, NC



HydroMassage
 The best daily massage

(800) 796-7493
www.HydroMassage.com/lease



Quick Tip

Promote with samples

Do you want to increase patient referrals and your retail sales? You can accomplish both by providing samples and customized preprinted pamphlets with your practice name and phone number.

Topical pain-relieving manufacturers often provide trial packets at no charge. This is an excellent way to promote your practice at golf events, local 5K runs, health fairs, school programs, and spinal screenings. Once patients try the product, they will come back for more to relieve their pain and will pass the pamphlet to friends generating new patients for your practice.

— Lynn Marie Penedo
 Performance Health Inc.
biofreeze.com or 954-957-9370