



# What You Don't Know CAN Hurt You

## Understanding the Recent Changes to Florida's No-fault Automobile Insurance Law

**In early 2012, Florida's legislature made sweeping changes to Florida's no-fault automobile insurance law at the urging of Gov. Rick Scott. Most significant were changes to the personal injury protection (PIP) component of your coverage that protects you should you be the unfortunate victim of an auto accident. 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. We offer this information as a service to help our patients better understand and prepare for the future.**

### **New Time Limits in Seeking Treatment**

Unlike current law, which provides no particular time limit to seek treatment following an automobile accident where your PIP benefits apply, the new law gives you only 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 us promptly if you believe you have been injured in any way.

### **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 \$2,500 reduced benefit. The new law requires you have a determination of an "emergency medical condition" to access your full \$10,000 benefit. It also restricts who is allowed to make that determination, unfairly discriminating against chiropractic physicians. That means that in some situations, we may find it necessary to refer you to another health care provider to confirm that determination before we can provide necessary care above the new \$2,500 limit. The new law no longer requires your insurance company to pay for either massage therapy or acupuncture treatment.

### **What to Do if Your Auto Insurance Carrier Stops Payment After \$2,500**

If your auto insurance carrier stops payment after \$2,500 for the \$10,000 in benefits for which you pay a premium, 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. If our office is a network provider for your health insurer, you may also be able to use those insurance benefits. Remember you always have the right to seek legal counsel for the early termination of your PIP benefits.

### **Impact to Your Insurance Premiums**

While the Legislature's stated 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. Carriers were asked to consider a 10% reduction in premiums by their rate filings in October of 2012, however, most chose not to comply. You may want to monitor your renewal premiums closely, as we are already hearing from some patients that their rates are actually increasing instead.

### **When These Changes Take Effect**

While some of the provisions of the new law took effect on July 1, 2012, the major changes take effect January 1, 2013. You can expect a lot of controversy over the interpretation of this new law because of its vagueness and because it has such great potential to decrease your PIP benefits by 75%.

### **For More Information, Concerns or Complaints**

The Florida Office of Insurance Regulation may be of assistance to 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>. As always, you may choose to voice your concerns to your elected representatives in the Florida Legislature. Just 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 Gov. Rick Scott can likewise be contacted by calling 850-488-7146.

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