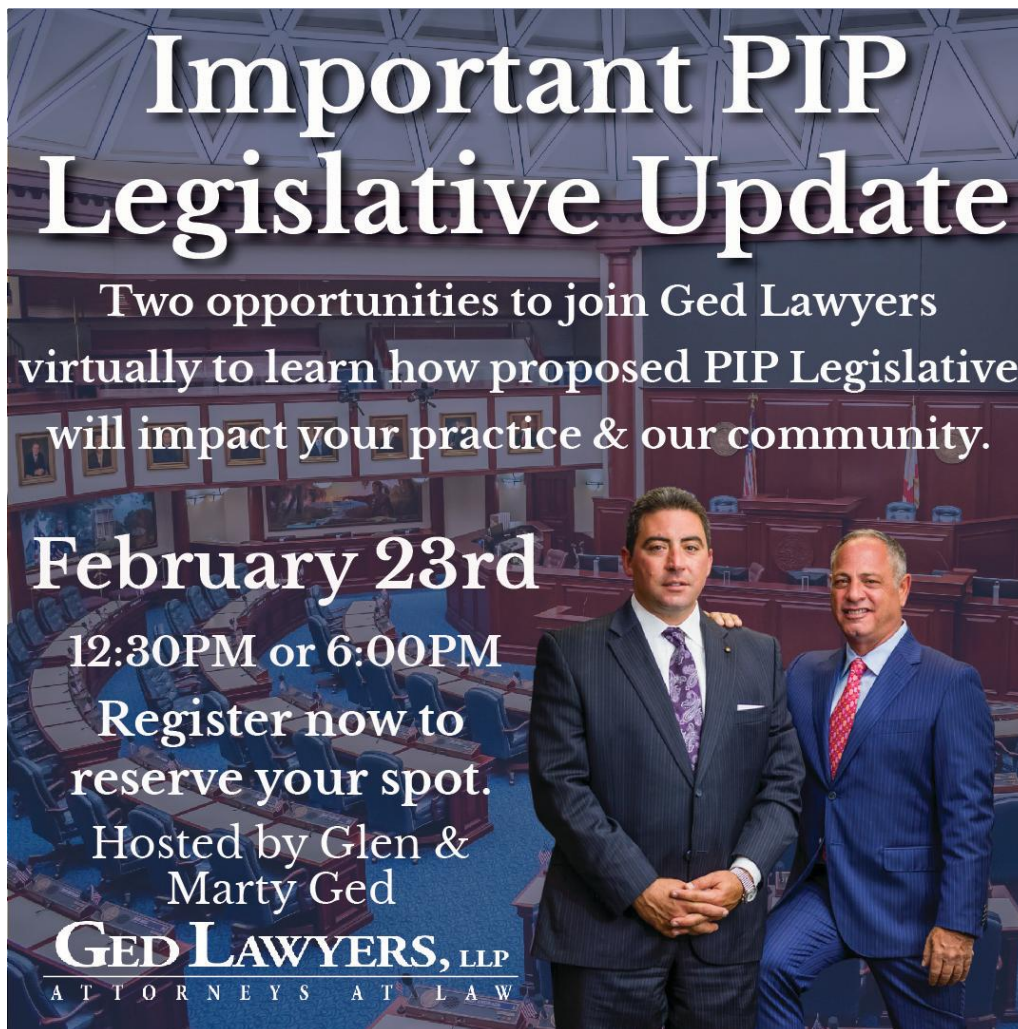


THIS WEEK IN PIP

A Weekly Newsletter brought to you by Ged Lawyers, LLP

Every week the team at Ged Lawyers brings you the latest news regarding PIP. We are dedicated to our clients, their families, and their businesses. This newsletter will help keep you updated and united with us on where PIP stands. As many of you know, there's an active Senate Bill looking to repeal PIP and Ged Lawyers remains at the forefront fighting for our clients.

02/15/21 THROUGH 02/19/21 February 22, 2021



Important PIP Legislative Update

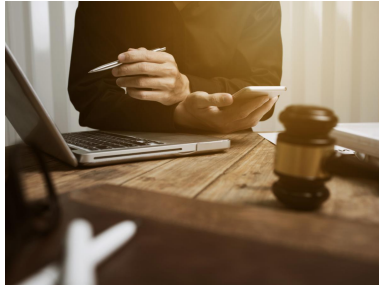
Two opportunities to join Ged Lawyers
virtually to learn how proposed PIP Legislative
will impact your practice & our community.

February 23rd
12:30PM or 6:00PM
Register now to
reserve your spot.
Hosted by Glen &
Marty Ged

GED LAWYERS, LLP
ATTORNEYS AT LAW

**2/23 AT 6:00PM - REGISTER
NOW**

Newsletter Overview



Section 1

Current Events with PIP



Section 2

Recent PIP Cases throughout the State



Section 3

Events and Announcements

Current Events with PIP

SB 54: Next Stop the Rules Committee

On February 15, 2021, the Senate Judiciary Committee voted in favor of SB 54 and the committee substitute. The vote of 7-to-2 in favor of SB 54 allows the proposed bill to move along to the Rules Committee. The proposed bill seeks to repeal PIP and replace No-Fault with a mandatory BI or at-fault system.



[LEARN MORE](#)

Understanding a Legislative Session & the 2021 Florida Legislative Session

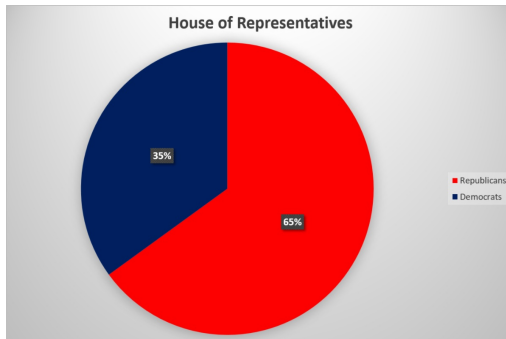
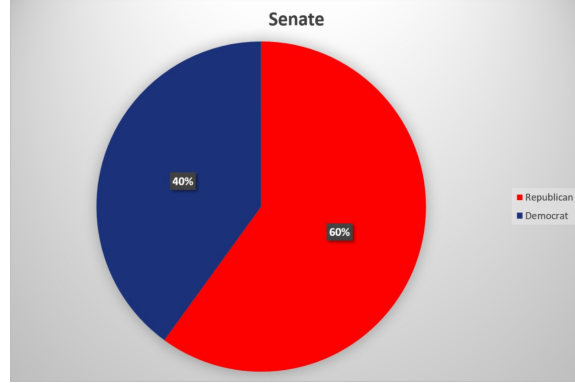
The Florida Legislature consists of the Florida Senate and Florida House of Representatives. The Senate consists of 40 members and the House of Representatives consist of 120 members.

After the 2020 election cycle, the Senate is controlled by a Republican majority. Currently in the Senate, there are 24 Republicans and 16 Democrats.

Senate

- President-Simpson
- Majority Leader-Mayfield

- Minority Leader-Farmer
- Control (total 40 members)



After the 2020 election cycle, the House is controlled by a Republican majority. Currently in the House, there are 78 Republicans and 42 Democrats.

House of Representatives

- Speaker--Sprowls
- Majority Leader-Grant
- Minority Leader-DuBose & Jenne
- Control (120 members)

Recent PIP Cases

September 2020: **Performance Health & Chiropractic, Inc. a/a/o Henghold v. Progressive American Ins. Co., 28 Fla. L. Weekly Supp. 635a, case no. 562019SC002319AXXXHC (Fla. 19th Jud. Cir. Ct. Sept. 17, 2020).**

The 19th Judicial Circuit Court granted final summary judgment in favor of the medical provider over PIP coverage for low level laser therapy. Performance Health & Chiropractic, Inc. a/a/o Henghold v. Progressive American Ins. Co., 28 Fla. L. Weekly Supp. 635a, case no. 562019SC002319AXXXHC (Fla. 19th Jud. Cir. Ct. Sept. 17, 2020).

The Court reasoned that billing the particular low level laser therapy was correct due to the particular CPT code being recognized under the Healthcare Common Procedure Coding System (HCPCS) at the time services were rendered. Although the particular code is not recognized under Medicare or by Florida Workers' Compensation. The Court found that a PIP insurer must reimburse the low level laser therapy due to the fact that the particular service is reimbursable as a different CPT code under Florida Workers' Compensation fee schedule. By doing so, the 19th Judicial Circuit Court granted the provider's motion for summary judgment and denied insurer's summary judgment.

October 2020: **La Familia Medical Center a/a/o Gato v. State Farm Mut. Auto. Ins. Co., 28 Fla. L. Weekly Supp. 851b, FLWSUPP2809LGAT, case no. 2017-001685-SP-25 (Fla. 11th Jud. Cir. Ct. Oct. 22, 2020).**

The 11th Judicial Circuit Court found that when a charge is billed for less than 200% of the applicable schedule of maximum charges, an insurer's only options were to either (a) pay the full amount of the charge, or (b) 80% of the applicable fee schedule. La Familia Medical Center a/a/o Gato v. State Farm Mut. Auto. Ins. Co., 28 Fla. L. Weekly Supp. 851b, FLWSUPP2809LGAT, case no. 2017-001685-SP-25 (Fla. 11th Jud. Cir. Ct. Oct. 22, 2020).

The issue before the Court particularly was whether the insurer paid benefits in accordance with the PIP statute. The Court noted how an insurance policy cannot provide less than the statutory threshold. See *Sturgis v. Fortune Ins. Co.*, 475 So. 2d 1272-73 (Fla. 1985). With the Court being bound by *Irizzary*, 290 So. 3d 980 (Fla. 5th DCA 2019), the 11th Judicial Circuit Court ruled in favor of the medical provider finding that the provider is entitled to recover the difference between 80% of the schedule of maximum charges and the insurer's paid amount of 80% of the billed amount.

November 2020: **State Farm Mut. Auto. Ins. Co. v. Martinez Health Inc. a/a/o Shim, FLWSUPP2810SHIM, case no. 2018-309-AP-01 (Fla. 11th Jud. Cir. Ct. Nov. 24, 2020)**

A jury within Miami-Dade County Court found that a medical provider's charges were not reasonable, yet the amount paid by the insurer was less than a reasonable amount, which entitled the provider to a favorable judgment; however, on appeal, the 11th Judicial Court found the jury verdict was the first time the insurer was on notice of an actual reasonable amount. State Farm Mut. Auto. Ins. Co. v. Martinez Health Inc. a/a/o Shim, FLWSUPP2810SHIM, case no. 2018-309-AP-01 (Fla. 11th Jud. Cir. Ct. Nov. 24, 2020).

With the jury verdict resulting in the insurer being first put on notice of a reasonable amount, the provider

would be required to file a new claim against insurer for such reasonable amount determined by the jury; ultimately, affirming the judgment in favor of the provider. The Judicial Circuit Court answered the issue as the provider being the prevailing party when the jury verdict of a reasonable amount is less than the amount charges and less than the payment issued.

Ged Lawyers Events & Announcements

Important PIP Legislative Update

Two opportunities to join Ged Lawyers virtually to learn how proposed PIP Legislative will impact your practice & our community.

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ATTORNEYS AT LAW

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WORK SMARTER NOT HARDER!

GUEST SPEAKER
MARTY GED, ESQ

JOIN US WEDNESDAY FEBRUARY 24TH
12PM - 2:00PM

AS HE DISCUSSES PIP RECOVERIES & HOW HE'S SUCCESSFULLY RECOVERED MILLIONS FOR PROVIDERS THROUGHOUT THE STATE

TO RSVP TEXT JOSIE AT 954-253-0890

THE CAPITAL GRILLE
11365 LEGACY AVE. PALM BEACH GARDENS, FL 33410

BLACKPOINT FUNDING **GED LAWYERS, LLP**
ATTORNEYS AT LAW

WORK SMARTER NOT HARDER!

GUEST SPEAKER
MARTY GED, ESQ

JOIN US WEDNESDAY MARCH 10TH
12PM - 2:00PM

AS HE DISCUSSES PIP RECOVERIES & HOW HE'S SUCCESSFULLY RECOVERED MILLIONS FOR PROVIDERS THROUGHOUT THE STATE

TO RSVP TEXT JOSIE AT 954-253-0890

Carmela's
1910 HARRISON ST. HOLLYWOOD FL 33020

BLACKPOINT FUNDING **GED LAWYERS, LLP**
ATTORNEYS AT LAW

Join Mr. Marty Ged, Esq at BlackPoint Funding's upcoming lunch and learns as he discusses PIP recoveries and how he's successfully recovered millions for providers throughout the

state of Florida. Details and locations below. We hope to see you there!

With advanced remote capabilities, our PIP department is standing by ready to audit your existing files to uncover what you're rightfully owed. Even if another attorney has already completed an audit its likely you're still owed more. Our 0% administrative costs ensure you get back every dollar collected. Call us today to schedule a FREE 5 year look back before it's too late. Call us now at 561-995-1966 or visit our website and submit your info at gedlawyers.com.

NEXT EDITION: MARCH 2, 2021

[Visit our website](#)