

Agenda

<p>Historical Overview and the Future of PIP (Repeal and Mandatory Medical Payments Coverage) Historical overview of FL PIP What the future of Florida PIP may look like</p>	<p>S. Dutton, R. Lazega</p>
<p>Fee Schedules and Medicare Coding and Payment Methodologies: MPPR, 2 % CMT Reduction, ARNP/PA 15% Reduction, "Billed Amount," Other Issues Florida PIP fee schedule Other issues impacting PIP reimbursements under the fee schedule</p>	<p>J.D. Underwood, S. Dutton</p>
<p>Examinations Under Oath and Independent Medical Examinations Timeliness of request, where conducted, who may attend</p>	<p>S. Leiter</p>
<p>Status of Confession by Post Suit Payment What constitutes a confession in PIP litigation Impact of confession on entitlement to attorney's fees and costs</p>	<p>R. Lazega</p>
<p>Deductibles and (4)(c) Providers PIP deductible litigation and current status of appeals \$5K reserve for ER physicians under (4)(c)</p>	<p>C. Vaccaro</p>
<p>Attorneys Fees and Multipliers Florida statute 627.428 and entitlement Determining reasonable amount of attorney's fees Impact of a multiplier on reasonable attorney's fees Determining availability of a multiplier including case law</p>	<p>S. Leiter</p>
<p>Duplicate Suits Definition and scenarios when duplicate suit may occur</p>	<p>C. Vaccaro</p>
<p>Emergency Medical Condition Definition of an emergency medical condition \$2,500 vs. \$10,000 in available benefits</p>	<p>S. Dutton, R. Lazega</p>
<p>Exhaustion Then and Now Past exhaustion of benefits cases that impact claims within five years Current cases on exhaustion of benefits</p>	<p>C. Vaccaro</p>
<p>Massage and Acupuncture in Various Coding Challenges Elimination from PIP billing Confusion surrounding massage therapist and acupuncturist reimbursement</p>	<p>C. Vaccaro</p>
<p>Material Misrepresentation Policy application material misrepresentation Material misrepresentation in the claims process</p>	<p>C. Vaccaro, J.D. Underwood</p>
<p>Pre-Suit Demands Pre-suit demand letter requirements When is a pre-suit demand letter premature</p>	<p>S. Dutton</p>
<p>Standing Revisited Current requirements for valid assignment of benefits Legislative efforts to limit use of assignment of benefits in relation to insurance</p>	<p>C. Vaccaro, J.D. Underwood</p>
<p>Untimely Billing 35-day billing cycle Exclusions to 35-day billing cycle</p>	<p>C. Vaccaro, J.D. Underwood</p>

The Florida PIP Statute: Chaos Reigns Supreme
 Miami Lakes, FL - Thursday, October 24, 2019

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Learning Objectives

You'll be able to:

- Review** the interpretation of various elements of Florida PIP law.
- Learn** the historical background and the possible future of Florida PIP law.
- Explore** emergency medical condition issues.
- Analyze** fee schedules, Medicare coding issues and payment methodologies.
- Discuss** deductibles and (4)(c) providers.
- Consider** massage therapist/acupuncture coding issues.
- Outline** attorneys fees and multipliers.



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Faculty

Scott W. Dutton is a principal shareholder of Dutton Law Group, a statewide law firm with offices in Jacksonville, Orlando, Tampa, Fort Lauderdale, Miami and the Florida Keys. He and his firm have litigated literally tens of thousands of personal injury protection cases. Mr. Dutton earned his doctorate of law from Ohio Northern University, Pettit College of Law, in 1984. During his course of study at Ohio Northern University, Mr. Dutton was a member of the editorial staff of the *Ohio Northern University Law Review*. He was also a justice on the law school's Moot Court Executive Board, and was the justice in charge of the First Year Appellate Advocacy Program. While in law school Mr. Dutton also participated in four national moot court competitions. Because of his moot court experience, he was selected to the Order of Barristers for having exhibited excellence and obtained high honor through the art of courtroom advocacy. For his outstanding academic achievement in law school, Mr. Dutton was selected to Who's Who Among American Law Students. Prior to law school, Mr. Dutton worked for Miami-Dade County as a lifeguard lieutenant, and later was employed with the Miami Beach Fire Department and City of Deerfield Beach Fire Department as a firefighter paramedic. He was also on the City of Miami Beach SWAT team. For Mr. Dutton's dedication to fighting insurance fraud he was honored by the Florida Insurance Fraud Education Committee ("FIFEC") which awarded him the Jerry Zappalo Distinguished Service Award in 2012. FIFEC is a non-profit corporation comprised of the Department of Insurance Fraud (DIF), special investigative unit (SIU) departments and investigators, law enforcement personnel and dedicated individuals whose purpose is deterring, detecting, investigating and prosecuting insurance fraud. Mr. Dutton's is an AV preeminent rated attorney in The Martindale-Hubbell Law Directory, the highest rating available. He is listed as one of Florida's top lawyers

in 2006, 2008 - 2009, 2014 - 2018 in Super Lawyers under Civil Litigation Defense and as one of Tampa's, Orlando's, Miami's and Florida's "Top Rated Lawyers."

Russel Lazega is an honor's graduate of both the University of Florida (B.A. '93) and The Florida State University College of Law (J.D. '96, Law Review, Environmental Law Journal Editorial Board, International Law Journal Editorial Board). He was a judicial intern to Supreme Court Justice Harry Lee Anstead, and later was the assistant to the head of company regulation for the Florida Department of Insurance Legal Services Section. Currently, Mr. Lazega is an AV-rated insurance litigation attorney who heads a 14-attorney practice with offices in Miami, Winter Park, Dania Beach, and Tampa, representing insurance consumers and medical service providers in pursuit of payment of reduced or unpaid insurance claims. Additionally, he is general counsel to a leading auto insurer, The Responsive Auto Insurance Company. Mr. Lazega has written and co-authored several of Thomson Reuters' (formerly West Publishing) leading treatises on Florida insurance law including *Florida Motor Vehicle No-Fault Law & Practices* and *Florida Insurance Law & Practice*. He is the president of the South Broward Bar Association, previously served as president of the North Dade Bar Association, and has presented proposals for insurance reform to the Florida House and Senate. Mr. Lazega has been listed on *Florida Trend Magazine's* list of legal elite insurance attorneys, and helped establish a medical provider's right to sue insurers before the Florida Supreme Court.

J.D. Underwood has been with The Law Office of Russel Lazega, P.A. since April of 2000. He started as a law clerk and has worked as an associate attorney with the firm since September of 2000, focusing

cases throughout Florida. Mr. Underwood recently worked closely in an advisory capacity with The Responsive Automobile Insurance Company, a new auto insurance carrier located in South Florida. He graduated from Emory and Henry College and St. Thomas University School of Law, Miami (J.D. degree, 2000). Mr. Underwood participated in Moot Court during law school and has been a contributing author to Thomsen Reuters' (formerly West Publishing) *Florida Motor Vehicle No-Fault Law* (2002-2008). He has served on the Executive Board and as president of the North Dade Bar Association. Mr. Underwood has participated in lectures to the Florida Chiropractic Practitioner's Assoc, for PESI Seminars (now HalfMoon Education), and for the 2003 PIP Law Update for physicians, billers, and attorneys.

Steven Leiter is a partner and co-founder of Leiter, Belsky & Tharp. He has handled claims, litigated and tried cases throughout the state of Florida involving Personal Injury Protection, first party insurance coverage disputes, third party auto negligence, and various premises liability and products liability cases. He previously served as an arbitrator in PIP insurance claims and is a qualified expert to testify at attorney fee hearings. Mr. Leiter was a faculty member and presenter on "Emerging Issues in PIP" at the 2015 Annual Education Program of the Conference of County Court Judges of Florida (July 2015) and was selected to serve as a faculty member for PIP at the Annual Business Meeting of the Conference of County Court Judges (July 1996). In addition to being a frequent lecturer for insurance companies on PIP issues and proper claims handling procedures, he has also served as a faculty member at seminars sponsored by Foxmoor Continuing Education f/k/a Professional Education Systems Institute, LLC. (PESI) since 2004 and for the Broward County Bar Association (January 2013). Mr. Leiter is a Miami native who earned his Bachelor of Arts degree from the University of Georgia (1989), and his juris doctor degree, *cum laude*, from the University of Miami School of Law (1992) (Articles and Comments Editor, *The Inter-American Law Review*).

Charles Leonard Vaccaro is a Florida board certified specialist in civil trial law who has been licensed to practice in the State of Florida since 1986. Mr. Vaccaro has also been licensed to practice in the State of Texas since 2001, handling a substantial amount of cases involving automobile accidents and insurance in Texas. He is a member of the U.S. Court of Appeals for the 11th Circuit, the U.S.D.C. for the Middle District of Florida and the general and trial bars for the U.S.D.C. for the Southern District of Florida. Mr. Vaccaro has been involved with PIP litigation since 1988. Over the years he has defended thousands of automobile accident cases involving PIP, bodily injury and bad faith claims for numerous insurance companies. During the same time period he maintained a prolific plaintiff practice, handling an even greater number of plaintiff PIP claims at both the trial and appellate level. These include the noteworthy PIP cases of *Amador v. United Automobile Insurance Company*, 748 So.2d 307 (Fla. 3d DCA 1999) and *State Farm Mutual Automobile Insurance Company v. Universal Medical Center as assignee of Blanco Franco*, 881 So.2d 5557 (Fla. 3d DCA 2004). In 2017 and 2018, Mr. Vaccaro was the featured speaker on the Florida Bar Award of Excellence Recipient Radio Program "Legal News and Review", which was broadcast worldwide on iHeart Radio on the topics of "Insurance Bad Faith" and "Florida PIP Insurance."

Continuing Education Credit Information

This seminar is open to the public. It has been approved for 8.0 CLE credits, including 8.0 Civil Trial certification credits, for Florida attorneys. This approval extends to Florida registered paralegals.

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Registration

The Florida PIP Statute: *Chaos Reigns Supreme*

Miami Lakes, FL - Thursday, October 24, 2019

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