

Coalition Says Florida's No Fault Ruling Ignores Harm That Fraud Inflicts

By: Coalition Against Insurance Fraud

A key provision of the 2012 no-fault reform law in Florida shouldn't take effect until a higher court decides if it's constitutional, a state judge ruled this week.

The **Coalition Against Insurance Fraud** expressed disappointment over the ruling, which limits the ability of chiropractors, massage therapists and acupuncturists to bill auto insurers for treating crash victims.

"The opinion ignores the irreparable harm that crooked medical providers inflict on honest drivers and the no-fault system's integrity," said Dennis Jay, executive director of the anti-fraud coalition.

The judge's written opinion is "somewhat convoluted," Jay said.

"Higher courts are likely to overturn the stay. Curbing crooked medical providers in this manner is a reasonable way to reduce runaway fraud. Its constitutional validity has a strong basis," he continued. A federal court already has refused to grant such a stay.

Chiropractors, massage therapists and acupuncturists sued to overturn a reform provision limiting their ability to bill insurers for treating crash victims. Florida lawmakers enacted the law to curb fraud and abuse by medical providers who are driving up auto premiums.

A circuit court ruled the law would cause irreparable harm to the medical providers and could deny accident victims treatment. Thus the law could be deemed unconstitutional, the ruling said.

The order was immediately appealed by the Florida Office of Insurance Regulation, which is allowing the law to remain in force for now.

The law took effect January 1 and caps chiropractic and physical-therapy treatments at \$2,500. Neither can bill for the full \$10,000 limit in PIP benefits. Massage therapy and acupuncture can't bill for PIP-related treatment at all.

No evidence has shown that legitimate crash victims are receiving substandard treatment since the law took effect, Jay said. Fraud also is falling and consumers should see some savings in future years, a recent informal survey of auto insurers in Florida suggests. Any savings, however, will depend on courts upholding the anti-fraud reforms, Jay said.

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