Agenda

Historical Overview and the Future of PIP — *S. Dutton*
(Repeal and Mandatory Medical Payments Coverage) — *R. Lazega*
Historical overview of FL PIP — What the future of Florida PIP may look like

Fee Schedules and Medicare Coding and Payment Methodologies: MPPR, 2% CMT Reduction, ARNP/PA 15% Reduction, "Billed Amount" — *J.D. Underwood, S. Dutton*
Reasonable amount: Customarily charged, usual and customary charges and amounts accepted
Florida PIP fee schedules
Other issues impacting PIP reimbursements under the fee schedule

Examinations Under Oath and Independent Medical Examinations — *S. Leiter*
Timeliness of request, where conducted, who may attend

Status of Confession by Post Suit Payment — *R. Lazega*
What constitutes a confession in PIP litigation
Impact of confession on entitlement to attorney's fees and costs

Deductibles and (4)(c) Providers — *C. Vaccaro*
PIP deductible litigation and current status of appeals
Deductible calculations — $5K reserve for ER physicians under (4)(c)

Attorney's Fees and Multipliers — *S. Leiter*
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

Duplicate Suits — *C. Vaccaro*
Definition and scenarios when duplicate suit may occur

Emergency Medical Condition — *S. Dutton, R. Lazega*
Boxes or forms — CPT codes and medical records
Emergency services and care v. emergency medical condition

Exhaustion Then and Now — *C. Vaccaro*
Past exhaustion of benefits cases that impact claims within 5 years
Current cases on exhaustion of benefits

CPT Codes and Reimbursement Issues — *C. Vaccaro, S. Dutton*
Limiting charge — 97039 Codes — A codes
J codes — Durable medical equipment — Prescription medicines

Material Misrepresentation — *C. Vaccaro, J.D. Underwood*
Policy application material misrepresentation
Material misrepresentation in the claims process

Pre-Suit Demands — *S. Dutton*
Pre-suit demand letter requirements, specificity requirements, waiver, and premature demand letters?

Standing Revisited — *C. Vaccaro, J.D. Underwood*
Current requirements for valid assignment of benefits
Legislative efforts to limit use of assignment of benefits in relation to insurance

Untimely Billing — *C. Vaccaro, J.D. Underwood*
35 day billing cycle, Exclusions to 35 day billing cycle

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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.

Outline attorney's fees and multipliers.

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Learn the historical background and possible future of Florida PIP law

Analyze fee schedules and Medicare coding and payment methodologies

Discuss deductibles and (4)(c) providers

Explore emergency medical condition issues

Examine CPT codes and reimbursement issues

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Scott W. Dutton is a principal shareholder of Dutton Law Group, a statewide law firm with offices in Jacksonville, Orlando, Tampa, Fort Lauderdale, Miami, Pensacola 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*. 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. Mr. Dutton's is a Board Certified Civil Trial Lawyer (Florida Bar) and 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). 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. 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' (formerlyWest Publishing) leading treatises on Florida insurance law including *Florida Motor Vehicle No-Fault Law & Practices* and *Florida Insurance Law & Practice*. He is the past president of the South Broward Bar Association, previously served as president of the North Dade Bar Association, has presented proposals for insurance reform to the Florida House and Senate, 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 his practice primarily on representing plaintiffs in PIP litigation 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.

Steven Leiter is a partner and co-founder of Leiter, Belsky & Tharp. He has handled claims, litigated and tried cases throughout 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 previously selected to serve as a faculty member for PIP at the Annual Business Meeting of the Conference of County Court Judges (July 1996). Mr. Leiter is a Miami native who earned his bachelor of arts degree from the University of Georgia (1989), and his juris doctor (*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. He has defended thousands of automobile accident cases involving PIP, bodily injury and bad faith claims for numerous insurance companies. He has also maintained a prolific plaintiff practice, handling an even greater number of plaintiff PIP claims at both the trial and appellate level. In 2017, 2018 and 2019, 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".

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