

Proposed Florida Laws Strip Medical Care Decisions Away From Doctors When Personal Injury Claims Are Considered.

You could be forgiven for thinking messing around with healthcare coverage rules was the sole domain of democrats these days, but the new laws which will deeply interfere with the choices a doctor will make and options available for the seriously injured have sprung from the minds of two republican lawmakers.

The bills which include, House Bill 379 from Rep. Hood, and Senate Bill 1128 From Senator Richter, aim to reduce care given for accident injuries by placing medical decisions in the hands of juries – not doctors.

That's right, the proposed laws would place the decision to compensate a seriously injured accident victim with the jury.

As an experienced trial lawyer I have presented cases to many juries, and while they are comprised of wonderful Florida citizens doing their part for our society, I am sure they are not even remotely qualified to describe what medical care a doctor should or should not be providing.

The proposed bills would also have doctors at serious odds with their patients and clog the courts with further civil law suits.

Picture this... A man has been severely injured during a motorcycle accident where another driver has ran a red light causing the accident.

The doctors and staff perform heroically, with life saving and reconstructive surgery to bring their patient some measure of recovery and quality of life after the crash.

The patient is then in need of many months if not years of special therapy to be able to fully recover from the severity of the injuries, and further testing for possible lasting brain injury.

The doctor has provided all of this care without thinking, not just because it's the moral thing to do, but also because he assumes at some point he and his staff of highly trained professionals will be compensated for their life-saving work.

Now the injured man has been the recipient of hundreds of thousands of dollars in medical treatment, not because he wanted it, but because a careless driver smashed into him, and is forced to seek fair compensation to pay for the damages he received.

During the trial, the new laws would have the jury decide what medical care the doctors and medical staff have already provided should be compensated for, and what therapies should be paid for in the future.

If the jury fails to award compensation for the medical treatment already provided and received by the accident victim, the doctor will be out of luck.

Of course doctors, hospitals and other medical specialist cannot simply walk away when they have provided tens of thousands of dollars or more in medical care and need to pay their own staff, so the doctor or hospital may be forced to sue the patient to recover the amount owed!

The huge amount of fiscal uncertainty these new bills will create has not been lost on Florida doctors. Recently I joined with several doctors and other attorneys to voice our concerns with these bills directly in Tallahassee. Unfortunately HB379 has cleared the committee and will be moving toward a vote.

Should these misguided bills be made into law they will have a chilling effect on doctors and hospitals response to accident injuries. The new laws will open up a host of law suits as medical care providers are forced to pursue collections against their patients causing undo economic harm to not just the injured victim but the medical provider as well. In reality it's not very likely that someone who has been disabled by a serious accident will be able to personally work off huge medical debts no matter what a court decides.

With so much potential harm to the Florida public and medical providers you have to wonder who stands to gain from such laws.

It's tough to see any beneficiary from these proposed rules other than the already ridiculously profitable insurance industry, however there are plenty of people who will be harmed. The list includes accident victims, the medical industry, the legal system and the citizens of Florida.

If you oppose the latest attempt by the insurance industry to increase their profits at the expense of policy holders and medical professionals, contact your state lawmakers and help stop HB 379 and SB 1128 from becoming law.

Who Loses Under HB379?

Injured Policy Holders
Medical Professionals

Florida Citizens
The Court System

Who Wins?
The Insurance Lobby