

Law Bulletin—Case Law E-Alert

In an effort to bring you up to date information that affects your every day claims handling, the defense team at Conroy, Simberg is pleased to bring you electronic alerts regarding the latest legal opinions from the First District Court of Appeal. These updates will provide you with the latest rulings, legal implications and practice tips. In addition to these electronic updates, the attorneys at Conroy, Simberg are ready to answer any questions you may have regarding the contents contained herein, as well as discuss the role that these opinions may have on existing claims. Please feel free to contact any of our attorneys, at any of our several locations throughout the State of Florida. You can also visit our website at www.conroysimberg.com.

JOY HINZMAN V. WINTER HAVEN FACILITY OPERATIONS LLC D/B/A CONSULATE HEALTH CARE OF WINTER HAVEN AND GALLAGHER BASSETT SERVICES, INC

Case No. 1D12-2382 Opinion Filed on February 18, 2013

Alert: Section 440.13(2)(f), Florida Statutes, sets a five day time period within which a “carrier shall authorize an alternative physician who shall not be professionally affiliated with the previous physician” in response to a claimant’s written request for a change in physician. The First DCA has just ruled that the five day time period is limited to five consecutive days, not five business days.

What This Means To You: According to the First District Court of Appeal, you must count weekends and legal holidays when calculating the five day time period. If the 5th day falls on a legal holiday or a weekend, you will have until the following work day (i.e., Monday) to authorize and name the one time change. You should be on alert for any written requests received late on Thursdays and Fridays!!

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