

Third District Court of Appeal

State of Florida, July Term, A.D. 2009

Opinion filed December 23, 2009.

Not final until disposition of timely filed motion for rehearing.

No. 3D09-771

Lower Tribunal Nos. 07-410 AP; 07-470 AP; & 06-12768

United Automobile Insurance Company,
Petitioner,

vs.

Professional Medical Group, Inc., a/a/o Marvelis Bauza,
Respondent.

A Writ of Certiorari to the Circuit Court for Miami-Dade County, Jeri B. Cohen, William Johnson, and Lester Langer, Judge.

Michael J. Neimand, for petitioner.

Marlene S. Reiss, for respondent.

Before RAMIREZ, C.J., and ROTHENBERG, J., and SCHWARTZ, Senior Judge.

We grant, in part, the petition for certiorari on the authority of our decisions in United Automobile Insurance Co. v. Santa Fe Medical Center, 34 Fla. L.

Weekly D2051 (Fla. 3d DCA Oct. 7, 2009) (en banc), and United Automobile Insurance Co. v. Garrido, 34 Fla. L. Weekly D2218 (Fla. 3d DCA Oct. 28, 2009), and quash the portion of the circuit court’s appellate decision that concluded that Dr. Goldberg’s peer review, which claimed that none of the insured’s medical treatment was reasonable, related, or necessary, did not constitute a “valid medical report” under section 627.736(7)(a), Florida Statutes (2005), because the peer review was not obtained before the PIP benefits were denied. See Santa Fe, 34 Fla. L. Weekly at D2053-54 (holding that an insurer’s obligation, under section 627.736(7)(a), to first obtain a “valid medical report” applies to the withdrawal, not the denial, of PIP benefits); see also Garrido, 34 Fla. L. Weekly at D2219 (“[A]n insurer’s obligation, pursuant to section 627.736(7)(a), to first obtain a medical report, applied only to withdrawal – as opposed to denial – of payment to a treating physician.”). Accordingly, for the reason expressed, we grant, in part, the petition, and quash, in part, the circuit court’s appellate decision.

Granted, in part; quashed, in part.