



The Law Offices of  
**METHFESSEL & WERBEL**  
A Professional Corporation

*The* Leading Insurance and Claims Attorneys

## C A S E A L E R T

---

---

### **NJ LEGISLATION REVERSES HAINES V. TAFT, RENDERS EXCESS MEDICAL EXPENSE RECOVERABLE FROM TORTFEASORS SUBJECT TO FEE SCHEDULE**

On August 15, 2019 the New Jersey Legislature passed two bills which effectively reversed the Supreme Court's recent ruling in Haines v. Taft, in which the Court interpreted N.J.S.A. 39:6A-12 to bar a plaintiff in an automobile personal injury case from recovering from a tortfeasor those medical expenses which exceed those covered by his Personal Injury Protection (PIP) coverage.

Senate Bill 2432 permits recovery of "all uncompensated medical expenses not covered by personal injury protection limits applicable to the injured party." However, Senate Bill 3963 mandates that such "medical expenses shall be subject to current automobile medical fee schedules." The latter qualification was proposed by M&W's Bill Bloom during testimony he provided in a Senate hearing in April of 2018, in which he asserted that failure to apply the fee

schedule would provide an unwarranted windfall to medical providers and plaintiffs' counsel, at the expense of injured plaintiffs, defendants, insurers, and the judicial system as a whole.

As a result of these changes, a plaintiff with a lower PIP limit will be able to seek recovery from the alleged tortfeasor for those medical bills incurred beyond the exhausted limits, but the amounts recoverable will be defined by the applicable PIP fee schedules rather than the providers' often inflated bills. These bills apply to claims arising out of auto accidents from August 1, 2019 forward.

Friends and clients with any questions about the impact of these important changes are welcome to contact Bill or any of our partners.

*The Methfessel & Werbel Case Alert is published solely for the interest of friends and clients of Methfessel & Werbel and should in no way be relied upon or construed as legal advice or counsel. For specific information on recent developments or advice regarding particular factual situations, the opinion of legal counsel should be sought.*