

**MURRAY  
& GUARI**  
TRIAL ATTORNEYS PL

*Helping Clients in their time of need.*

# Dangerous Drugs & Defective Medical Products

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Hablamos Español

1525 N. Flagler Drive, Suite 100 | West Palm Beach, FL 33401

Auto Accidents | Premises Liability | Product Liability | Personal Injury & Wrongful Death

WWW.MURRAYGUARI.COM | (561) 366-9099

# Major PIP Law Changes

## What You Need To Know To Protect Yourself

Florida's legislature passed major changes to Florida's Personal Injury Protection (PIP) laws. Florida law requires all vehicle drivers with a valid Florida license plate to carry PIP insurance, also known as Florida "No Fault"

The new laws favor insurance companies over the people who have been injured in a motor vehicle accident. Parts of the law took effect July 1, 2012, while other provisions will become effective January 1, 2013.

### The major changes to the law include:

- You must seek approved medical care within 14 days from the date of the accident; **otherwise no bills will be paid by your PIP carrier.**
- Treatment must be from a physician, osteopath, dentist, physician's assistant or registered nurse practitioner.
- Only people diagnosed with an "emergency medical condition" will be eligible for the full \$10,000 PIP benefit. Non-emergency medical patients will be limited to \$2,500 in benefits.



For more about auto insurance coverage visit:  
[www.HurtInAccident.com](http://www.HurtInAccident.com)

- Chiropractic treatment will be limited to \$2,500 and must be referred by approved health care providers prior to treatment.
- Massage therapists and acupuncturists are not covered under PIP.
- Insurance companies are now permitted to conduct Examinations Under Oath (EUO) of their own insured's before any benefits will be paid.

While the new PIP Statute severely limits your rights to obtain your benefits under your PIP insurance, **it is very important to seek immediate medical attention and consult with an experienced attorney to protect your legal rights.** ■

## Stacked or Unstacked?

### What UM Coverage You Should Have

Uninsured or Underinsured Motorist coverage (UM / UIM) is not mandatory but provides protection to you, resident relatives, and passengers in your vehicle if involved in an accident with someone who has no liability coverage or not enough insurance to cover your damages.

UM coverage comes in two forms - "Stacked" or "Unstacked." Simply stated, "Stacked" multiplies your limits for this coverage by the number of cars you are insuring. For example, if you have 2 cars in your household and choose "Stacked" coverage, the UM benefit amount is multiplied by 2. Although this increases

your premiums, the UM benefits double, thereby providing you with added personal protection. Most important, Stacking allows you to expand UM/UIM insurance coverage for a loss if you are in a vehicle other than your own. "Unstacked" limits you to what is documented on the declarations page, regardless of the number of vehicles you own or have insured.

If you are getting a new policy or are about to renew your policy, remember to ask about "Stacked" UM coverage! ■



# Putting Profits Over People

## Dangerous Drugs & Defective Medical Products

Prescriptions, over-the-counter medications and medical devices are used by millions of people worldwide and are intended to improve one's quality of life and even sustain life.



Whether you are watching TV, reading the newspaper, or reading your Twitter feed, there have been rashes of recalls leading to litigation and lawsuits involving defective medical devices and pharmaceutical products.

While the Food and Drug Administration (FDA) requires medical devices

and drugs to complete some level of testing, an FDA loophole may be putting patient's lives at risk.



A current law allows manufacturers to "fast track" approval of new medical devices that may be similar to existing devices — even if the existing devices have been recalled from the market due to dangerous design defects. This approval process is called 510(k) Clearance.

Yet, with all of the testing the FDA requires, dangerous drugs and defective medical devices still are approved for use.

In an effort to reap profits, manufacturers often rush their products to the market and fail to sufficiently test the drug or medical device. Additional problems can include design defects, manufacturing defects, lack of quality control and contamination, faulty labeling, off-label use and unapproved usage, false marketing and promotion, lack of known warnings and undisclosed side effects, faulty packaging, and more.



Unfortunately, as long as profits are at stake, there will also always be some companies which are willing to forego certain safety advances in favor of profits. The injuries caused by defective medical products or by taking a dangerous or defective drug can be devastating, even deadly. If you or a loved one is suffering from the effects of a defective medical device or dangerous drug, seek medical attention immediately. Then contact an attorney to learn about your legal rights. ■

## Startling Facts:

FDA records show 1,734 drug recalls from 2004 to 2011.  
~ ABC News

In 2008 nearly 2,500 medical devices were recalled due to potential safety hazards.  
~ Washington Post

From 2005 to 2009, 80% of devices being recalled were "fast tracked" and actually never fully clinically tested in people.  
~ Cleveland Clinic Study

## Current Recalls & Defective Products

DePuy ASR Hip Implant

Tylenol & Acetaminophen Painkillers

Transvaginal Mesh

Zimmer NexGen CR-Flex Knee Replacement

## Resources

**FDA Drug Recalls**  
- [www.fda.gov/drugs](http://www.fda.gov/drugs)

**FDA Medical Device Recalls**  
- [www.fda.gov/MedicalDevices](http://www.fda.gov/MedicalDevices)

**Public Citizen Worst Pills/ Best Pills**  
- [www.worstpills.org/](http://www.worstpills.org/)



# Stop Distracted Teen Driving

## The Parental Factor

As parents, we must set an example by following safe driving habits. Teenage drivers are more likely than other age groups to be involved in

a fatal crash where a distraction is reported. Parents are a powerful influence on their children and the type of driver they will become.

While a lack of driving experience continues to play a major role in teen injuries and fatalities, many teens do not believe they are inexperienced or do not realize the consequences of their actions (driving habits and decision making). Many teenagers have a sense of immortality and invincibility. Parental reinforcement of good decision making can lead to safe driving habits that will last a lifetime.

We encourage you to talk to your teen about driving dangers, setting rules and understanding consequences.

We have also provided parents with a helpful distracted driving video in our safety video library on our website at [www.murrayguari.com/Videos](http://www.murrayguari.com/Videos). ■



*In 2010, more than 3,000 people died in crashes nationwide involving distracted driving.*

# Air Bag Dangers

## Reduce Your Risk Of An Airbag Injury

While the air bag has been an incredible safety device and has undoubtedly saved thousands of lives since its invention; it can also be a killer. The impact from an airbag can cause serious and permanent injuries and or even death.

1. Always wear your seatbelt
2. Move your seat back as far as you can while still being able to drive comfortably
3. Slightly recline the back of your seat without impairing your visibility
4. Tilt your steering wheel downward if you are able, which points the airbag at your chest and not your head and face



5. Keep children under the age of 12 in age and size appropriate cars seats and seat belts in the back seat
6. Never drive or ride with a child on your lap

For additional information on airbags, visit our safety video library on our website. ■

# Hurt in Accident?

## www.HurtInAccident.com

### Visit Our Auto Accident & Insurance Coverage Website

Have you or a loved one been hurt in an auto accident? Are you having issues regarding UM/UIM insurance? Are you having issues with your insurance company? Are you are unsure of your legal rights? If yes, then our new auto and insurance website, [www.HurtInAccident.com](http://www.HurtInAccident.com), is for you.



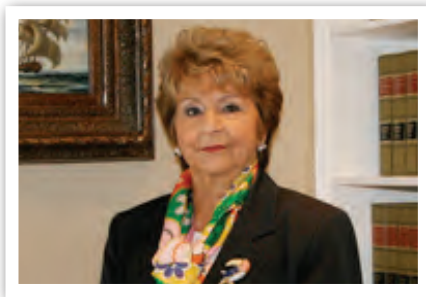
We provide you information on what to do if you are in an auto accident and provide important information regarding insurance coverage. If you have any additional questions, please feel free to contact us any time at (561) 366-9099 or toll-free at (877) 645-2974. ■

SCAN with a smart device: Phone, Tablet.  
For more information: <http://goo.gl/CG7sC>



### Meet Paralegal June Cozza

June joined the law firm in September of 2008. She has over 20 years experience in real estate, commercial, pre-litigation and litigation experience. She assists in opening new cases in the firm and placing existing cases into litigation. June works with the Senior Paralegal, Tracy Vaspoli, in assuring that all new cases are promptly opened and that the insurance companies, etc., are all put on timely notice. June also assists attorneys Scott Murray and Jason Guari once the cases have been put into litigation by preparing the case up through and including trial. ■



### Murray & Guari – Hablamos Español.

Nosotros, tanto como usted, llamamos el Sur de Florida nuestro hogar. Practicamos la ley de herida personal en todas partes de la Florida y estamos orgullosos de ofrecer nuestros servicios en los condados de Palm Beach, Broward, Martin, y Treasure Coast. Tenemos más de 30 años de experiencia legal combinada. Le ofrecemos a los clientes el mejor servicio de 'bufete de firma grande de abogados' en manos de, 'el pequeño bufete de abogados'. Si usted tiene un caso de herida personal, llámenos al (561) 366-9099 o póngase en contacto con nosotros en el Internet en [www.murrayguari.com](http://www.murrayguari.com). Estamos encantados de responder a sus preguntas. ■

### The Vote's in YOUR COURT - Judicial Merit Retention

The Florida Bar encourages you to learn more about judicial merit retention with their educational program.

We encourage you to vote "YES" to Retain our three Florida Supreme Court Justices.



For more information visit: <http://www.floridabar.org/thevotesinyourcourt>

## Stay Connected

Our social media accounts allow us to connect with you in real-time and share the latest news and information regarding our practice, important safety information and legal updates. We look forward to being a part of your social network. ■



<http://www.facebook.com/MurrayGuariTrialAttorneys>



<http://www.youtube.com/murrayguari>



<http://www.flickr.com/photos/murrayguari>



<http://www.linkedin.com/pub/scott-murray/2/759/165>



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# Murray & Guari Trial Attorneys

## How Can We Help



At Murray & Guari Trial Attorneys, we represent victims throughout Florida who have suffered serious personal injuries due to the negligence of others. At

our firm, you will find a team that is truly concerned about your well-being and getting justice. We are proud that our clients come to us based on a personal recommendation from past clients and from other attorneys in the community who respect our reputation and the quality of our work. We would be honored to put our experience, skill and integrity to work for you. ■



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