

*"Respond Carefully to Notice of Intent," article published by Healthcare Risk Management, features quotes from Christopher Brown, Esq., 10-1-2024*

*While notices of intent are common, they should not be taken lightly and should not be ignored, says Christopher E. Brown, JD, partner with the Kaufman Dolowich law firm in Orlando, FL. In Florida, the 90-day investigation must be conducted in good faith, and both the claimant and the prospective defendant must cooperate with the insurer in good faith, he says. "During the pre-suit period, the parties shall make discoverable information available without formal discovery," Brown says. "Informal discovery may include, among other things, the taking of unsworn statements, the production of documents, records, or things, or physical and mental examinations." At or before the conclusion of the 90-day period, the insurer or self-insurer of the potential defendant must provide the claimant with a response. This response may reject the claim, make a settlement offer, or make an offer of admission of liability and for arbitration on the issue of damages, he explains. Finally, Section 766.106(7), Florida Statutes, states that the failure to cooperate on the part of any party during the pre-suit investigation may be grounds to strike any claim made, or defense raised, by such party in suit, Brown says. "This statute has teeth, and the failure to participate can result in sanctions against the healthcare provider," Brown says.*