

How Spinal Hardware and Surgical Implants Affect the Value of a Florida Personal Injury Claim

A Palm Beach Gardens Lawyer Explains Why Surgery With Instrumentation Is a Permanent Injury

When a car accident results in surgery, the immediate focus is on recovery. But for many accident victims in Florida, the surgery itself creates lasting consequences that extend well beyond the operating room. When that surgery involves instrumentation like screws, rods, plates, cages, or other hardware implanted into the body, the injury is no longer temporary. It is permanent, and that distinction matters when it comes to the value of a personal injury claim.

What many victims do not realize is that surgery with instrumentation can provide compelling medical evidence of a permanent injury under Florida law. That distinction is not something to overlook. It can mean the difference between a limited insurance recovery and a claim that includes future medical care, physical restrictions, pain and suffering, and other long-term losses. A [Palm Beach Gardens personal injury lawyer](#) who understands the legal significance of instrumentation surgery can make sure your claim is built to reflect what the injury actually costs over time.

What Surgery With Instrumentation Means

Surgery with instrumentation refers to any procedure in which hardware is implanted into the body to stabilize, repair, or replace damaged structures. In personal injury cases, this most often involves the spine, but it can also include joints, long bones, and other areas of the musculoskeletal system. The hardware itself, once placed, becomes a permanent part of the body. It does not dissolve or disappear over time. In most cases, it remains for life.

Common types of surgical instrumentation seen in Florida accident cases include:

- **Spinal Fusion With Rods and Screws:** Used to stabilize the spine after disc herniation, fracture, or instability. The vertebrae are fused using metal rods, pedicle screws, and bone graft material.
- **Interbody Cages:** Placed between vertebrae to restore disc height and promote fusion. Often used alongside rods and screws in lumbar or cervical spine procedures.
- **Orthopedic Plates and Screws:** Used to hold fractured bones in place during healing. Common in fractures of the femur, tibia, humerus, clavicle, and wrist following high-impact collisions.
- **Joint Replacement Hardware:** Titanium or cobalt-chromium components used in hip, knee, or shoulder replacement procedures when joint damage from the accident is severe enough to require full replacement.

- **Intramedullary Nails and Pins:** Rods inserted into the hollow center of long bones to stabilize severe fractures, commonly used in femur and tibia fractures caused by motor vehicle accidents.

In every one of these procedures, the implanted hardware does not simply treat the injury and then exit the picture. It becomes part of the body's permanent structure, with ongoing implications for function, future medical care, and legal compensation.

Why Surgery With Instrumentation Establishes Permanency Under Florida Law

Florida's no-fault system limits your right to sue for pain and suffering unless your injury meets a legal threshold called the serious injury standard. One way to meet that standard is to show that the injury is permanent. When a surgeon implants hardware into your body, it does not come out. The body has been permanently altered. That permanent structural change often provides compelling evidence of permanency, without needing years of follow-up records or a drawn-out argument about whether the condition might someday improve.

That matters because permanency is what opens the door to the full range of damages, including pain and suffering, future medical costs, and lost earning capacity. Instrumentation surgery gives you a strong foundation for that argument.

Even so, these cases are often undervalued. Insurers will often accept that the surgery happened while still fighting the future costs attached to it. They may agree to cover the procedure and short-term recovery but push back against lifetime medical projections, long-term restrictions, or ongoing pain and suffering. An experienced attorney who recognizes the legal significance of instrumentation surgery from the start makes sure those arguments do not go unanswered.

The Long-Term Consequences of Living With Surgical Hardware

Surgical hardware does not return a person to the way they were before the accident. It changes how the body works, often for the rest of their life. A spinal fusion removes movement at the fused level, which puts extra stress on the segments above and below it and raises the risk of those areas breaking down over time. A joint replacement wears out and may need to be redone years later. Even when a procedure goes well, metal hardware can cause lasting discomfort, sensitivity to weather or pressure, and limits on range of motion that never fully go away.

The practical consequences that affect daily life and long-term health after instrumentation surgery often include:

- **Permanent Activity Restrictions:** Surgeons routinely impose lasting limits on lifting, bending, twisting, and high-impact activity following spinal fusion or joint replacement.

- **Adjacent Segment Disease:** After spinal fusion, the levels above and below the fusion site take on additional mechanical stress, which can accelerate degeneration and may require further surgery.
- **Hardware-Related Complications:** Screws, rods, and plates can loosen, migrate, or break over time, potentially requiring additional procedures to remove or replace the hardware.
- **Implant Lifespan and Revision Surgery:** Joint replacements typically last 15 to 25 years. A younger accident victim may face one or more revision surgeries over their lifetime, each carrying its own risks and recovery period.
- **Chronic Pain and Reduced Quality of Life:** Many patients experience ongoing pain, stiffness, and fatigue that persists long after initial recovery, affecting work capacity, sleep, and everyday function.

Every one of these consequences has a real financial cost, and every one of them belongs in the claim. A life care plan, prepared with qualified medical professionals, is what puts those future expenses on paper in a way that is documented, defensible, and hard for an insurer to dismiss.

How Insurance Companies Respond to Instrumentation Surgery Claims

Insurance companies rarely dispute that the surgery happened. What they dispute is what it is worth going forward. Common tactics include arguing that the victim has reached maximum medical improvement and no longer requires ongoing care, that the life care plan is speculative or inflated, or that pre-existing spinal degeneration, not the accident, was the real reason surgery was needed. They may also argue that the victim could return to modified work, reducing the lost earning capacity component of the claim.

These arguments are predictable, and they can be effectively countered when the medical record is properly built from the start. Operative reports, implant documentation, post-surgical restrictions from the treating surgeon, and imaging showing the hardware in place all create an objective record that is difficult to dispute. The more complete and consistent the documentation, the harder it is for the insurer to minimize what the surgery actually means for the victim's future.

The Law Offices of Casey D. Shomo Fights for Full Compensation

Surgery with instrumentation is not just a medical event. It is an alteration of the body that provides evidence of a permanent injury under Florida law, helping support a claim for the full range of damages that insurers will not offer voluntarily. Getting that value requires an attorney who understands the legal framework, works with the right medical experts, and knows how to build a claim that reflects a lifetime of consequences, not just the cost of a single procedure.

When a permanent injury changes your life, you need an attorney who treats your case with the same seriousness. Casey D. Shomo has spent more than thirty years fighting for injured Floridians, recovering over \$85 million for clients with serious and catastrophic injuries. He works directly with every client, from the first consultation through resolution, so nothing gets lost and nothing gets overlooked.

There is no fee unless we win. [Contact The Law Offices of Casey D. Shomo, P.A.](#) today for a free consultation. When the stakes are this high, experience and personal attention make all the difference.