Akeela White Analyzes a Debt Collector's Petition Seeking U.S. Supreme Court Review of Three FDCPA Duties

October 27, 2025, Issue of the *ARM Compliance Digest*

In The News | 1 min read
Oct 30, 2025

In the October 27, 2025, issue of the AccountsRecovery.net *ARM Compliance Digest,* Hinshaw partner Akeela White examines a debt collector's petition asking the U.S. Supreme Court to clarify the following three Fair Debt Collection Practices Act (FDCPA) questions:

1. The scope of pre-collection work required before initiating activity on an account,
2. Whether creditor-coordinated safeguards can support the bona fide error defense, and
3. How to classify medical debts arising from workplace injuries.

Akeela explains that the Eleventh Circuit confirmed medical bills remain consumer debts even when workers' compensation shifts payment to an employer or insurer, a conclusion likely to influence courts outside of the circuit. She adds that collectors should not rely on hospitals' triage and must implement documented front-end screening and internal, preemptive systems to support a bona fide error defense.

Akeela writes:

> The Eleventh Circuit's opinion confirms that medical bills remain "consumer debts" even when workers' compensation places the payment obligation on the employer or its insurer, and the decision will likely be persuasive beyond the circuit. Collectors cannot rely on hospitals' internal triage to filter out non-collectible accounts. They need documented, front-end screening to determine workers' compensation status before sending a validation notice.

The bona fide error defense requires internal, preemptive systems and is not satisfied by reliance on creditors or by after-the-fact notices. NACS's petition asks the Court to clarify the scope of pre-validation duties, whether creditor-coordinated safeguards can count toward the bona fide error defense, and how to classify work-related medical bills. In the interim, medical collectors operating in or touching the Eleventh Circuit should treat these accounts as covered debts and adopt auditable intake controls, workers' compensation flags, and clear escalation paths they can substantiate in the record.

Read the full October 27, 2025, edition.

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