

PI E-MAIL & FAX ALERT

08/25/2009

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Don't forget our Monthly
Teleconference is

TOMORROW

Wednesday August 26 @ 1:00 pm

Dr. Lawrence Nordhoff, D.C, Q.M.E.,
A.C.T.A.R.

Answering Tough Questions in Depositions &
Trials

E-mail: johntawlian@shawnsteel.com to
get telephone number and pass code.

We get questions

Reimbursable Med pay: good reason
to hold your money?

Q: I billed the med pay carrier, AAA and received payment for the initial visit. After a couple of weeks the patient returned for two follow up visits [\$380.00] and I billed again. I called after a couple of weeks. They told me they got a letter from the patient's attorney and AAA forwarded my Check to the Lawyer.

The lawyer informed me the patient had "REIMBURSABLE" med pay and he had to hold on to my money until the case was settled.

What can I do?

A: Most med pay is Reimbursable. When the PI case settles, the med pay carrier wants their money back. It's brutally unfair. We regularly negotiate the reimbursement to either less than half to zero.

Attorneys have no right to keep *your fee*. We believe it is immoral, but not illegal, for attorneys to intercept your hard earned med pay.

Practice Tip: Don't ever work with any attorney who "takes" your med pay, for any reason.

TWO HOT PI CASES: CHIROS VS. INSURANCE COMPANIES

Rytlewski vs. Pearce [Allstate]

A Jury in conservative San Diego county hit Allstate hard with a virtual denial case.

28 year old Terica was rear-ended by an Allstate driver. The damage was not impressive. Terica underwent DC care, pain management, an MRI and was referred to Jeffrey Gross a neurosurgeon. The evidence suggested she suffered a herniated disc, for which she had epidural injections.

Allstate's "expert" Robert Vance MD, orthopedic surgeon opined that Terica would need only \$1500.00 worth of care. That testimony didn't pass the giggle test.

Allstate offered \$1500. Plaintiff asked only for \$14,999 [CCP 998]. Instead the jury awarded \$29,172 and the court ADDED court costs for an additional \$19,204 for a grand total \$48,377.



Practice Tip: you will have a better case when you have a solid MRI with a solid MD backup.

Ellis vs. Wakefield [AAA]

Julie Ellis a 19 year old salesperson was rear-ended by a pickup truck in Alameda County.

AAA admitted liability. They claimed the impact of the crash was "too minor" to have caused any injuries.

The chiropractor's medical bills were over \$14,000 and no referrals were made. The jury made short work with a unanimous decision to give a defense award to defendant.

Practice Tip: Every jury usually have several members who had chiropractic care. But no juror has ever seen a DC bill over \$5000.00.