PI E-MAIL & FAX ALERT

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Biggest 6 PI Headaches: part 2

#3 'MEDICAL NECESSITY"

Ins. argue that an "Independent Review Company" carefully examined the DC records. Services were cut because necessity was not proven in the chart.

ANSWER: Assuming reasonable care and documentation, you are ahead. Simply explain your procedures were needed to effectively treat the patient. Your goal was to, as quickly as possible, reduce symptoms, restore function and minimize permanent residuals, given the trauma induced in this case. Specify what made this case unique.

#4 "EXCESSIVE TX DURATION"

This ploy states that "according to recognized treatment guidelines---that no more than 2 months of care to reach MMI status".

ANSWER: Demand to see those guidelines. Specific to trauma cases. Quite probably the guidelines are not "recognized". You may then refer to the Croft Whiplash Treatment Guidelines as truly widespread.

For a complete report on Lewkovich's 6 Biggest Insurance Headaches email: Johntawlian@shawnsteel.com

The ceiling fell on Homeselle Smith in her apartment. She claimed head injury and emotional distress.

Dr. Daniel Rude, DC managed the case--bringing in specialists. The jury awarded \$39,080. May 7, 2009. <u>Smith vs. Eberly Co.</u> LA Superior Court, Hon. Jane Johnson. BC 364448.

Falling Trees. DC wins in court.

Diane Petty while dining at Emporio Rulli café, an overhanging tree snapped and fell down on her. The City of Larkspur knew the tree was dangerous according to its own arborist--that the tree needed removing because of decaying cavities in June 2005. The city ignored the report.

Diane suffered L5-S1 disk herniations and underwent a lumbar diskectomy after several epidural injections.

Dr Suzanne Hanson, DC of Corte Madera helped manage the case. Total med bills \$76,909. The case settled for \$360,000.

Petty vs. Larkspur: CV 080614 Marin County Superior Court June 8, 2009

\$435,000 RMA Fluoroscopic Motion Analysis—Binding Arb

Dr. Brian Irvine, DC reports of a patient who had two accidents. The patient sued for her first accident. But the patient had another accident before the Binding Arbitration for the 1st accident. Naturally, defense blamed the surgery on the 2nd accident.

The patient required a microdiskectomy, The arbitrator agreed the surgery was necessary from the 1st accident. He stated that although the MRI findings were 2mm based disc bulges without neural impingement, the Fluoroscopy studies performed prior to the second accident demonstrated spine instability exceeding the AMA guidelines. Thus, the patient had achieved post surgical relief of the symptoms that existed <u>prior</u> to the second accident.

Our congratulations to Dr. Rude, Dr. Hanson and Dr. Irvine.