

March 2009 NEWSLETTER

BEWARE!
HEALTH CARE PROVIDER –
BILLING SCAM

If you have been injured in an accident and are being treated for your injuries, **pay attention**, as this may affect how much money you get from your case.

Please note: The honest and hardworking health care providers don't use this scam. They don't need to. The problem is that you can't tell going in who is good and who is bad, so use these tips to protect yourself.

Here's how the billing scam works:

You are in an accident and you seek out a health care provider for services. You have excellent health insurance/health benefits, for which you are paying a premium. Ordinarily, your bills for the service (or most of them) would be covered. The health care provider asks you to sign a **lien agreement** or **assignment of proceeds** of the case to him. He then NEVER bills your insurance company, but seeks to collect the full amount of his bill from you.

Why would he do that? Because the insurance company pays a set fee to the health care provider that is less than the full amount of the bill. If the health care provider accepts insurance, he has already agreed to accept less than his full bill, and he has agreed that he cannot bill you for the rest (or else what would be the purpose in having insurance?) The health care provider, who knows there is a personal injury case involved, then "forgets" to bill your insurance company (or deliberately decides not to) because he wants to bill YOU for the whole amount after your case settles.

This is WRONG. You have paid an insurance premium so that you won't get stuck with the whole bill. Just because you were in a car accident doesn't change things, but some health care providers see your auto case as a way for them to make more money.

What can you do?

- Be careful what you sign. Be sure you don't sign a document that gives the health care provider the right to go after you for the whole bill.
- Then, stay on top of whether the health care provider is actually sending the bills to the insurance company. This will avoid a big surprise and FIGHT at the end of your case.

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WHAT WE'VE BEEN UP TO

Although we are able to settle many of our cases before trial, we do try those cases we cannot resolve. Here are just a couple of results we recently got for our clients.

Motorcycle Accident, \$1,100,000 Settlement.

Our 29-year-old client was driving his classic, antique motorcycle on a two-lane road in a small city in Virginia. The driver of a Subaru Outback, traveling in the opposite direction, tried to turn left across traffic into a driveway and struck the left side of the motorcycle, crushing our client's left leg and foot and throwing him from the motorcycle. The driver of the car was charged, and there were witnesses to the collision. Our client underwent emergency surgery to try to repair the massive vascular damage and to reduce the fractures using pins. Only one artery was repairable. The open wound required treatment with a wound vac for approximately 3 months. A serious infection developed, and he was put on antibiotic therapy for about four months; it took three skin grafts to get

the wound completely closed. He was not weight bearing even after one year. He required skilled nursing visits to his home several times per week for wound care and physical therapy at home for five weeks.

His foot is now deformed, and he has a noticeable limp when he walks. He anticipates future problems because of the limited blood supply to the foot. He has arthritis that will continue to get worse. He uses a cane for assistance walking more than a few feet.

In spite of the clear liability and extensive, serious injuries caused by the car hitting the motorcycle, the insurance company did not make a reasonable offer to settle until after the lawsuit was filed. The case settled for \$1,100,000.

Truck Accident, \$125,000 Jury Verdict.

Our client was driving in the left lane of a four-lane state highway divided from the two lanes in the opposite direction by a grassy median. As she approached a slow-moving white box truck in the right lane, it suddenly moved over into her lane. She struck the back of the truck and suffered broken bones and severe contusions. The driver of the truck said our client swerved into his lane of travel and just ran into him from behind. The jury believed our client and compensated her with its verdict of \$125,000.

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CELL PHONES FOR SOLDIERS

Every time you buy a cell phone to replace one you already have, you're left with the dilemma of what to do with the one you are replacing. We heard about an organization that takes your old cell phones, sells them, and uses the money to buy prepaid phone cards to send to military personnel serving overseas. They make it as easy on you as possible – you can even print out a shipping label online or go to drop off locations in your area. Go to

<http://www.cellphonesforsoldiers.com> to learn more.

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HELPERS AND HEALERS WE LIKE

We like talking about people, and we especially like talking about people who have made a difference in our clients' lives by helping them recover from their injuries. Laura Probert at Bodyworks Physical Therapy is one such person. Laura's approach to helping her patients is a holistic one. She doesn't just work on your injured knee or shoulder. She understands that for lasting health, the whole person must be treated. We like that and are happy to mention her in our newsletter.

Laura Probert M.P.T.
BODYWORKS PHYSICAL THERAPY
11400 Rockville Pike
Suite C-20
Rockville, MD 20852
(301)770-3606 office
(703)915-3653 cell



HOW WE GET CASES

Mostly, we get our cases from clients we have helped in the past and from other lawyers, and we think that's just about the best way there is to get new cases. Why? Because referrals let us know that others think well enough of us that they put their reputations on the line when they put in a good word for us.

So, THANK YOU for referring your friends and family members to us.

Road Risks Rise As More Drivers Drop Insurance --- Higher Premiums, Joblessness Contribute to Alarming Trend; What to Do When You're Hit

By M.P. McQueen

December 17, 2008

More drivers are letting their car insurance lapse because of the sour economy, putting themselves and others at risk.

Several hundred thousand drivers dropped their insurance in the past year as the jobless rate climbed, estimates a study to be released next month by the Insurance Research Council, an industry-funded group. Online agency Insurance.com says it also is seeing evidence recently of more uninsured motorists. It says that as many as 40% of callers following up on online applications had let their previous policies lapse, up from less than 10% a couple years ago.

"I am seeing a lot more canceled policies than ever, especially in the last couple of months, usually due to job loss," said Christine Williams, a licensed agent at Insurance.com's call center outside Cleveland.

The trend is bad news for everybody on the road. If you're hit by an uninsured motorist, you may have to sue to recover costs, and many uninsured motorists have few assets. You can protect yourself by carrying uninsured-motorist coverage -- almost half of states require the added coverage -- but this may boost your premium.

Even in good times, many Americans drive without insurance. The Insurance Research Council's previous study, released in 2006, found that nearly 15% of drivers nationally were uninsured in 2004, up from about 13% in 1999. In some states, including Mississippi, California and Arizona, roughly a quarter of drivers weren't insured.

Preliminary data from the council's forthcoming study "indicate that a single percentage point increase in the unemployment rate is associated with a half-point increase in the percentage of uninsured drivers," said David Corum, council vice president. The nation's jobless rate was up two percentage points to 6.7% in November from a year earlier. The group estimates the number of uninsured motorists based on data from insurance claims.

Possibly adding to the problem is the fact that auto-insurance rates are rising again after a couple of years of flat or declining premiums. Premiums nationally rose 3.8% in November from a year ago, according to the Labor Department's consumer price index.

Agents say a growing number of customers are stripping down their auto-insurance policies, taking the absolute minimum level of liability coverage legally required to drive in their state.

"A good proportion of people on the road are either uninsured or underinsured, and so you have to protect yourself," said

Robert Hartwig, president of the Insurance Information Institute, a nonprofit group. "Your odds of being in an accident with an uninsured driver are substantial."

About 20 states require drivers to buy coverage for uninsured or underinsured motorists. The coverage compensates policy owners and their families for injuries, including if they are injured as pedestrians, caused by hit-and-run drivers and drivers without insurance. Uninsured and underinsured motorist coverage adds roughly 7% to 9% to an average auto premium, according to State Farm Mutual Automobile Insurance Co. and Allstate Corp.

Debbie Kuban, 47 years old, of Stratford, Conn., is glad she had uninsured motorist coverage, which is mandatory in her state, when a car she was riding in was hit by an uninsured driver the day after Thanksgiving. The driver of a pickup truck tore out of a shopping center parking lot in nearby Milford and slammed into the Audi A6 station wagon her husband was driving.

Ms. Kuban, an operating-room nurse, suffered a gash in her head that required stitches and had two broken bones in her foot. She was taken to the hospital by ambulance. Her husband wasn't severely injured. Since then, Ms. Kuban has been recuperating at home. Because the at-fault driver had no insurance, Ms. Kuban has relied on her \$300,000 uninsured-motorist policy for claims reimbursement. She says the other driver was charged with a misdemeanor for driving without insurance on a private road.

"The hardest part of this is that we had a very good record with our insurance company. Our rates were low." Now Ms. Kuban expects the rates to go up because of the large claim.

Motorists driving without insurance also face risks. In a wreck, they could lose whatever assets they own in a court judgment. Also, driving without insurance is illegal in 48 states and the District of Columbia. The only states that don't require insurance are New Hampshire and Wisconsin; these states require drivers to show proof of the financial ability to pay damages for liability.

Motorists who allow their policies to lapse for any reason also often must pay an initial 25% to 50% surcharge for a new policy. Insurance companies charge them more because they consider them irresponsible: Unlicensed and uninsured drivers are disproportionately involved in fatal accidents.

Without a Net-- a slumping economy is putting more uninsured drivers on the road. Here's how to protect yourself: -- Make sure you have extra coverage that compensates you if you're hit by an uninsured motorist. -- Set your own liability insurance amount commensurate with your assets. This amount also helps determine the limit of your uninsured motorist coverage.

THE TRAVELING SHIRT



Several months ago, we helped sponsor a team of Fairfax Bar Association Young Lawyers who participated in *Lawyers Have Heart*, an annual 10K run, which raises funds for the American Heart Association. The team finished third in its category. Since we were a sponsor, our firm's name was printed on the back of the T-shirts given to participants.

So, here's the mystery: How did one of our shirts end up in Ramstein, Germany?

Weiner
Rohrstaff
& Spivey
PLC
10605 Judicial Drive
Suite B6
Fairfax, Virginia 22030
Phone: 703-273-9500
Fax: 703-273-9505
www.WRSattorneys.com



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