

Recovery & Resolution

A LEGAL NEWSLETTER FOR HEALTH CARE PROFESSIONALS



Graham Lundberg & Peschel *Founded 1979*

Colossus – Knowledge is the Key

Inside this month's R&R...

RED ALERT! Do Not Let Your Patients Meet with the Opposing Adjuster on page 3

Free Seminar Schedule on page 3

We Wrote the Book Your Patients Need... "Crash! Course" on page 4

The primary goal of medical and legal professionals when working for personal injury victims is to assist that victim in making a *full* recovery from his or her injuries. The medical professional assists his or her patient in making a full recovery by providing curative treatment *and* documenting the patient's condition and treatment. The legal professional assists his or her client in making a full recovery by compiling and presenting evidence to support all of the person's claimed damages. One of the obstacles that both the medical and legal fields have recently faced when assisting a personal injury victim is presenting information for evaluation by Colossus.

Colossus is a web-based computer program used by many insurance companies to determine the reasonableness of medical treatment and costs, and to determine the amount of treatment and damages to attribute to a personal injury victim's claims. The Colossus training manual describes it as a "knowledge-based system for assessing general damages" and in addition, it can "highlight inadequate evidence of a claim, and warn of any exaggeration or inconsistencies – particularly in spinal soft-tissue injuries such as musculoligamentous (whiplash)."

When your

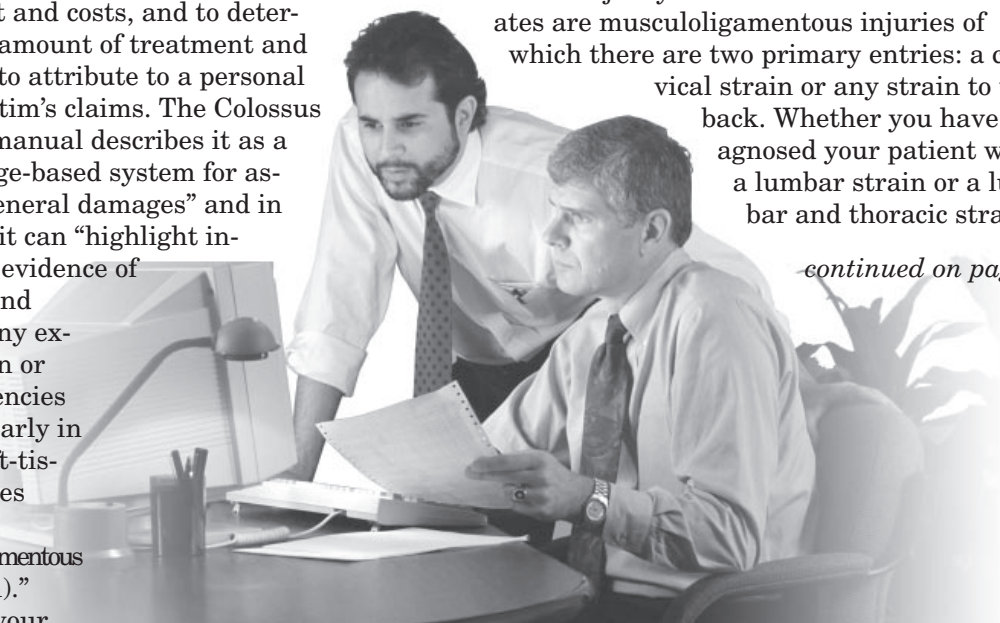
patient is a personal injury victim whose medical damages are going to be evaluated by Colossus, you should understand how claims are evaluated by the program, otherwise it is *likely* that the manner in which you document your patient's injuries and treatment will make it difficult for your patient to achieve a full recovery. Provided below are some guidelines for documenting your patient's injuries and treatment that will enable each element of your patient's injuries to be thoroughly assessed and evaluated by Colossus.

Documenting Your Patient's Injuries & Disabilities

Diagnoses

The majority of claims that Colossus evaluates are musculoligamentous injuries of which there are two primary entries: a cervical strain or any strain to the back. Whether you have diagnosed your patient with a lumbar strain or a lumbar and thoracic strain,

continued on page 2



Plan to Attend Our Legal Educational Seminar...

What You Need to Know about Pre-existing Conditions

See page 3

Colossus, continued

Colossus assesses each of them at the same value even though the latter includes increased pain and discomfort. In order to have your patient's injuries completely evaluated, every possible injury must be clearly noted in your chart notes. Even less significant injuries such as minor contusions must be in your records, as these will also be evaluated by Colossus. Remember, only injuries that you diagnose will be inputted. If you do not diagnose an injury or condition, it will be ignored in the evaluation.

A concussion and any of the signs and symptoms of a concussion must also be charted, such as vision disturbances, dizziness, headaches and neurosis. Other complaints that should be clearly charted and which Colossus considers are: muscle spasms, restriction of movement, anxiety, depression and radiating pain. Most insurance adjusters will only input anxiety, depression and neurosis if there has been a diagnosis and subsequent treatment by the appropriate medical professional. Therefore, an appropriate referral may be required. For the purpose of Colossus, radiating pain is pain that radiates into any extremity. Pain that radiates from the neck to shoulders will not be evaluated as "radiating pain". Along these same lines, it is important to clearly distinguish between injuries. For example, a shoulder strain which is not diagnosed or simply noted as pain or radiating pain into the shoulder will not receive consideration.

Immobilization

Any form of immobilization such as a cervical collar or splint should be noted; along with the duration of use. Similarly, any walking aids such as crutches or a walker should also be charted along with the duration of use.

Work Disability

A patient's period of disability needs to be clearly documented either in the chart notes or on individual disability slips. Do not assume that the adjuster will read between the lines and input that your patient is on disability. It must be clearly noted in your records that your patient cannot work, or your patient will not be able to recover his or her lost wages.

Duties Under Duress

Colossus also recognizes a claim of "duties under duress," which has two conditions that involve your documentation: 1) your patient must perform the "duty" with discomfort, pain or disability ("duty" can include, but is not limited to, working due to financial need even while placed on full-time work disability or general activities of daily living); and 2) it must be documented in your medical records or independently verified. Likewise, Colossus will also recognize a patient's loss of enjoyment of life. Therefore, it is very important to document a patient's comments about difficulty with recreation, hobbies or other physical activities.

Future Treatment

If your patient is going to require future treatment, this should be very clearly stated and stated in terms of a more probable than not basis ("more likely than not"). Additionally, it is best to either estimate the future treatment cost or calculate the cost using an average per visit cost. Your final prognosis needs to be clearly stated. While your terminology may vary, you

may find it helpful to know that Colossus uses the following categories to assess prognosis: 1) Resolution undetermined; 2) No complaint (resolved); 3) Complaint, no more treatment; 4) Complaint, further treatment; and 5) Complaint, guarded prognosis. If you do not state a prognosis, it will be entered only as resolution undetermined.

As a general matter, typewritten or legible chart notes will ensure that your patient's diagnoses, complaints and other important information are entered into Colossus and taken into consideration.

Billing Statement

The final piece of the puzzle is your billing statement. HCFA forms are ideal, as they contain all of the information generally required by most insurance companies, which includes provider name, physical address, phone number, tax identification number, patient name, dates of service, ICD codes, CPT codes and itemized charges. A billing statement that contains the

above information proved Colossus with adequate information.

In conclusion, while some of this information may appear either overwhelming or excessive, we need to keep in mind that our primary focus is the personal injury victim who has come to us to assist him or her in making a full recovery. By having a clear understanding and increased knowledge of Colossus, you will be better equipped to document your patient's injuries and treatment, subsequently giving him or her a fighting chance of resolving his or her case out of court rather than being forced into protracted litigation.

...our primary focus is the personal injury victim who has come to us to assist him or her...



RED ALERT! Do Not Let Your Patients Meet With the Opposing Adjuster

Recently, one of our trial teams was waiting for a jury at King County Superior Court in Kent to return a verdict. While this team was waiting for the verdict and going over the events of the trial at a coffee shop near the Courthouse, they happened to sit next to an insurance adjuster meeting with a young injured person and her mother. At first glance, it appeared to be a meeting between a personal injury attorney and a potential new client. However, it soon became obvious that the meeting was between an insurance adjuster for an at-fault driver and an injured person. They were discussing a recent automobile accident between the young woman and the adjuster's insured, in which the young woman had been injured. The young woman had apparently sustained musculoligamentous injuries for which she was still experiencing symptoms and still receiving medical treatment. She never indicated during the conversation that her treatment was finished or that she

had reached maximum medical improvement. However, that did not stop the adjuster from offering this young woman \$500.00 to settle her claims against his insured. The adjuster even went so far as to encourage the young woman to take the money as it would "pay for her schoolbooks." Fortunately, the young woman's mother asked the adjuster to provide her with the proposed paperwork regarding this suggested settlement, and then the mother told the adjuster that she would review it with her daughter and they would get back to him.

The lesson learned from this story is to quickly advise your patients that if the insurance adjuster for the other driver's insurance company calls to set up a meeting, your patient should be very careful! The adjuster is not your patient's friend. You should advise your patients to consider consulting with an attorney **before** meeting with or discussing his or her claims with the at-fault driver's insurance adjuster.

Remember that initial consultations with our office are free. Do not let your patient give up his or her right, under Washington law, to a full recovery for injury.



FREE SEMINARS

Graham Lundberg & Peschel welcomes you and your office staff to attend a **FREE** Educational Seminar.

What You Need To Know About...

Pre-existing Conditions

Thursday, **February 27**
Tukwila – Best Western of Southcenter

Wednesday, **March 5**
Lakewood – Lakewold Gardens

Thursday, **March 6**
Bremerton – Oyster Bay Inn

Thursday, **March 13**
Seattle – Best Western Executive

What You Should do Differently...

When Your Patient is Injured by an Uninsured Motorist

Thursday, **April 3**
Everett – Howard Johnson Hotel

Thursday, **April 10**
Bellevue – Red Lion Bellevue Inn

Wednesday, **April 16**
Tacoma – Cliff House Restaurant

Thursday, **April 17**
Federal Way – Verrazano's Restaurant

Wednesday, **April 23**
Puyallup – Best Western Park Plaza

Thursday, **April 24**
Tukwila – Best Western South Center

Wednesday, **April 30**
Lakewood – Lakewold Gardens

Thursday, **May 1**
Port Orchard – McCormick Woods

Thursday, **May 8**
Seattle – Best Western Executive Inn

Enclosed is an RSVP form. Plan to attend this informative seminar!

- All Seminars: 12:30 – 2 pm
- Complimentary Lunch Buffet
- This Seminar is for Doctors, Therapists and their staff!
- Health Care Providers Earn Continuing Educational Credit





Attorneys at Law

We are a team of legal professionals working together to advocate for the injured while being recognized in the community for providing the highest level of service.

Our Attorneys

John Graham
 Scott F. Lundberg
 Brian J. Peschel
 Kenneth B. Golden
 Cydney Campbell Webster
 Sean A. Ayres
 Angela DeWig
 Kenneth Barry Dore
 John Webber
 *John Williams
 Rodney G. Zerr
 Tara Eubanks – Intern
 Ben Lambert – Intern
 *admitted in Ohio only

Our Paralegals

Patricia Clanton
 Patti Cryder
 Kimberly Cutting
 Johnnie Dano
 Kathleen Gottlieb
 Judy Hanson
 Lora Harris
 Grace Stephens
 Heather Webb

Our Administration

Arlene Bolger
 Tamara Briggie

Administration, cont.

Diane Daniel
 Thelma James
 Brian Jones
 Heather Kelly
 Martha McDonald
 Becky Moilanen
 Tina Mulcahy
 Lucinda Pieczatkowski
 Tom Reger
 Celine Cloquet Vogler
 Joyce Watts
 Marie Wohler

CONVENIENTLY LOCATED

For the convenience of your personal injury patients, we offer several meeting locations throughout Puget Sound and Peninsula communities. Attorney consultations are encouraged and always free.

- Auburn 253-931-1111**
- Bellevue 425-827-1111**
- Burien 206-241-1708**
- Everett 425-252-1111**
- Federal Way . . 253-946-1111**
- Gig Harbor . . . 253-853-5005**
- Lakewood 253-274-1111**
- Lynnwood 425-775-1111**
- Marysville 360-658-1111**
- Port Orchard . 360-876-5005**
- Puyallup 253-845-1112**
- Renton 425-235-1111**
- Seattle 206-448-1992**
- Tacoma 253-627-7701**

Or Call Toll Free

North Puget Sound area including King & Snohomish Counties
800-422-4610

South Puget Sound area including Pierce, Kitsap & Thurston Counties
800-273-5005

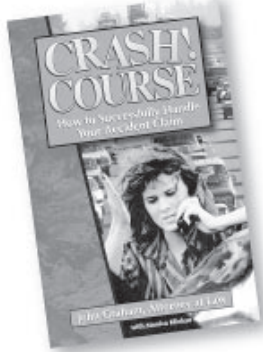
or visit us online...
www.glpattorneys.com

Are Your Patients Asking Questions About Their Recent Accident And You Don't Know Where To Turn For Help?

YOUR PATIENTS NEED...

Crash! Course

By John Graham
How to Successfully Handle Your Accident Claim



Call our office for your complimentary copy at (800) 422-4610



Attorneys at Law

500 John Street
 Seattle WA 98109

PRSR STD
 US POSTAGE
 PAID
 #34
 SEATTLE WA