

# Recovery & Resolution

A LEGAL NEWSLETTER FOR  
HEALTH CARE PROFESSIONALS



Graham Lundberg & Peschel *Founded 1979*

## Responding to PIP Requests

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**P**ersonal injury protection (PIP) insurance is more important than ever. If your patient has PIP insurance, or is covered by someone else's PIP insurance, it is important the PIP carrier pay your treatment bills as treatment is rendered. Frequently, insurance companies will send you a request for additional information in order to process payment of your client's collision-related medical bills. Common requests for information include requests for brief medical reports, medical records, or bills with ICD-9 codes and CPT codes. Often time these requests will come in the form of an Explanation of Review or an Explanation of Benefits.

Before you do anything, it is important to make sure that the insurance company has provided you with a valid medical authorization signed by your patient. Also, be sure that the request is from the insurance company providing PIP coverage. If the request is from the insurance company of the at-fault driver or from the insurance adjuster handling your client's uninsured or underinsured motorist claim, be sure that a valid medical authorization has been provided. Furthermore, check with your patient or his or her attorney to make sure that you should be releasing information to that carrier.

Once you have verified that you can reply to the request, you or your office staff should carefully respond to the request in a timely manner.

When responding to requests from the insurance companies it is imperative that you carefully read the request for information and only provide the information that is requested. Furthermore, be sure that the

responses to the requests are thorough. For example, oftentimes the insurance company wants to ascertain the treatment plan of the client. Do your best to provide a clear and concise treatment plan. If the response refers to a re-examination and the insurance adjuster cannot read the re-examination notes, then the response does not provide the insurance company with the information it needs to support ongoing payment of bills.

Responses to requests for information need to be addressed as soon as possible. Frequently, the insurance company will hold processing of all bills until it receives the requested information. This means that it may not process bills of other health-care providers until you, as the patient's attending physician or attending chiropractor, respond to its request for a medical report. Unfortunately, sometimes those other medical providers will not know that the insurance is waiting for a response and they will look to the patient for payment.

If the insurance company does not promptly receive the requested information from you or your office staff, it will likely request an "independent" medical examination (IME) and wait for the results of that IME before it will continue to pay the patient's outstanding medical bills. In order to avoid delays in the payment of your patient's medical bills and prevent requests for your patient to attend IMEs, please promptly respond to the PIP carrier's request for information.

Graham Lundberg & Peschel is always available to help you, your staff and patients with questions and concerns regarding requests from insurance companies.

**Plan to Attend This Free Educational Seminar...**

**Independent Medical Exams**

**See page 3**

# What is a PIP "IME?"

Your patient has been scheduled for a PIP "Insurance Medical Exam," and does not understand what it is all about. Instinctively, the patient comes to you, as primary health care provider, with questions and concerns. What are you going to tell your patients?

An insurance company that is extending Personal Injury Protection coverage may require your patient to undergo a physical examination by a doctor of the PIP carrier's choosing and at the PIP carrier's expense, as often as the PIP carrier "reasonably" requires. Typically, a PIP IME involves the carrier's doctor reviewing pertinent medical records, conducting a physical examination, and writing a report as to the reasonableness, necessity and causal relationship of your patient's care to the motor vehicle collision in which they were injured. There are, however, rules that a PIP carrier, and its chosen examiners, must follow in conducting a PIP IME.

Under Washington State law, in order to deny, limit, or terminate PIP benefits, a PIP carrier must obtain the opinion of a medical professional that the care is either: a) unreasonable; b) not necessary; c) not related to the accident; or d) not incurred within three years. WAC 284-30-395(1)(a)-(d). The medical professional conducting the examination must be "currently licensed, certified, or registered to practice in the same health field or specialty as the health care professional that treated the insured." WAC 284-30-395(3)(a). Thus, a denial of PIP benefits without appropriate supporting documentation is not sufficient and is, in fact, a violation of the Washington Administrative Code.

## What Happens at an "IME?"

Your patient will be required to go to a facility designated by the PIP carrier. Once there, your patient is frequently required to fill out paperwork as if they were a new patient of the facility. They then will meet with the selected examiner, who will proceed with taking a medical history and asking questions about your patient's injuries and treatment, based upon information derived from the medical records provided by the insurance company. The doctor will then conduct a physical examination of your patient, the sufficiency and accuracy of which is often suspect. At the conclusion of the examination, your patient

is dismissed, and the examiner proceeds with preparing a report, most often without sharing the findings or conclusions with your patient. Nonetheless, your patient must wait until the PIP carrier contacts them by which time several weeks may have gone by. PIP benefits may be denied retroactively.

## Does my Patient Have to Attend?

In your patient's contract with their insurance company, there is a Cooperation Clause, which requires your patient to attend the examination. If your patient refuses to attend, the PIP carrier can cut off PIP benefits without requiring a doctor's opinion.

## How Should your Patient Prepare for a PIP "IME?"

Here are some simple tips that will help your patient get through their PIP IME.

- 1) Be Prepared. Your patient should have a general understanding of their medical treatment and injuries since the accident.
- 2) Be believable. The patient does not have to convince the doctor that they were really hurt. However, coming across as truthful and honest, without exaggerating symptoms, will lend credence to their case.
- 3) Focus on what is being asked. This is not a social visit, and your patient is not having a friendly chat — this is a medical professional, being paid by the insurance company,

and looking for a reason to terminate your patient's PIP benefits.

- 4) Watch out for Traps. The examining doctor may say "This hurts, right?" when in fact they know it does not hurt. They want to see if your patient is exaggerating their pain complaints. The examining doctor will also be looking for "Waddell's signs," which attempt to suggest psychological factors involved in their pain complaints.

If your patient is being sent for a PIP IME, or, they can benefit by consulting with a personal injury attorney at Graham Lundberg & Peschel. There are strategies and procedures that may be put into place to assure continued PIP benefits for your patient.





# GLP's Second Annual Conference On Practice Management: Another Huge Success!!!

The Second Annual Conference on Practice Management sponsored by Graham Lundberg & Peschel on June 12, 2008 at the Doubletree Hotel in SeaTac was another huge success! With numerous topics ranging from Post-Traumatic Stress Disorder to Health Care Provider Audits, all attendees agreed that it was an informative, exciting and rewarding event. Graham Lundberg & Peschel would like to take this opportunity to extend a big "thank you" to all of our guest speakers and vendors, without whom we would not have been able to present this conference to the health care community:

### David Knopes, Ph.D.

Dr. David Knopes is a Licensed Clinical Psychologist at Advanced Behavioral Medicine & Neuropsychology Associates in Tacoma, and he provides neuropsychological and clinical assessments for patients suffering from Post Traumatic Stress Disorder and Mild Traumatic Brain Injuries.

**David Knopes, Ph.D.**  
253/383-3355  
[www.drknopes.com](http://www.drknopes.com)

### Jason Pehling, D.D.S.

Dr. Pehling is a nationally recognized expert in the field of TMJ and Orofacial Disorders, with a unique combination of research experience, residency and fellowship training, and years of successfully treating thousands of patients.

**Jason Pehling, D.D.S.**  
206/363-8240  
[info@TMJdisorders.com](mailto:info@TMJdisorders.com)  
[www.tmjdisorders.com](http://www.tmjdisorders.com)

### David Musnick, M.D.

Board certified in both Internal Medicine and Sports Medicine, Dr. Musnick has nearly 20 years of experience and specializes in mo-

tor vehicle collisions, consultations with chiropractors on extremity and spinal injuries, and Impairment Ratings.

**David Musnick, M.D.**  
425/462-7325  
[drmusnick@msn.com](mailto:drmusnick@msn.com)

### Steven Pollei, M.D.

Dr. Pollei is a neuroradiologist and the Medical Director of the Center for Diagnostic Imaging (CDI). The CDI has several locations in Western Washington, with facilities offering a variety of complete diagnostic imaging services. In addition, Dr. Pollei has expertise in both diagnostic injections and pain management procedures.

**Steven Pollei, M.D.**  
Center for Diagnostic Imaging  
253/682-1666  
[www.cdيراد.com](http://www.cdيراد.com)

### Robert Silber, Esq.

An associate attorney at the Foster Law Offices in Seattle, Mr. Silber's practice focuses on Workers' C.

ompensation, representing injured workers in all matters of compensation and administrative appeals before the Board of Industrial Insurance Appeals and Superior Court.

**Robert Silber, Esq.**  
206/682-3436  
[www.fosterlawoffice.com](http://www.fosterlawoffice.com)

### Robert Zielke, Esq.

A highly experienced Healthcare Attorney certified in Health Care Compliance, Robert Zielke's law practice emphasizes compliance law, disciplinary complaint and audit defense, and business law for chiropractors.

**Robert Zielke, Esq.**  
Zielke Law Firm  
800/682-1610  
[www.zielkelaw.com](http://www.zielkelaw.com)

## INDEPENDENT MEDICAL EXAMS

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

Join us in a discussion regarding:

- Types of IMEs
- When a patient needs an IME
- Patients' options
- Ramifications of an IME

**This is one seminar you cannot afford to miss! Seating is limited so register today!**

Thursday, **Sept. 18, 2008**  
Everett-Holiday Inn

Wednesday, **Sept. 24, 2008**  
Tacoma-La Quinta

Thursday, **Sept. 25, 2008**  
Renton-Holiday Inn  
Puyallup-Best Western

Thursday, **Oct. 2, 2008**  
Port Orchard-McCormick  
Woods Country Club  
Bellevue-Embassy Suites

Thursday, **Oct. 9, 2008**  
Northgate-Hotel Nexus

Thursday, **Oct. 16, 2008**  
Mt. Vernon-Best Western  
Cottontree Inn

Plan to attend this informative seminar! Seminar registration form included in this issue.

- All Seminars: 12:30 – 2:00 pm
- Complimentary Lunch Will Be Served
- Doctors of Chiropractic, Massage Therapists, and Physical Therapists will earn 1.5 CE credits
- Registration is limited to four attendees per office





**W**e 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.

### 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
- Lacey** . . . . . 800-273-5005
- Lakewood** . . . . . 253-274-1111
- Lynnwood** . . . . . 425-775-1111
- Marysville** . . . . . 360-658-1111
- Mount Vernon** . . 800-422-4610
- Port Orchard** . . 360-876-5005
- Puyallup** . . . . . 253-845-1112
- Renton** . . . . . 425-235-1111
- Seattle** . . . . . 206-448-1992
- Silverdale** . . . . . 360-876-5005
- Tacoma** . . . . . 253-627-7701

*Or Call Toll Free*

North Puget Sound area including Island, Skagit, King, Whatcom & Snohomish Counties  
**800-422-4610**

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

or visit us online...

[www.glpattorneys.com](http://www.glpattorneys.com)

#### Attorneys

- John M. Graham
- Scott F. Lundberg
- Brian J. Peschel
- Kenneth B. Golden
- Cydney Campbell Webster
- John D. Webber
- Sean A. Ayres
- Tara L. Eubanks
- Alex French
- James F. Gooding
- Melissa A. Timmerman
- Carrie D. Umland
- Heather D. Webb
- Rodney G. Zerr

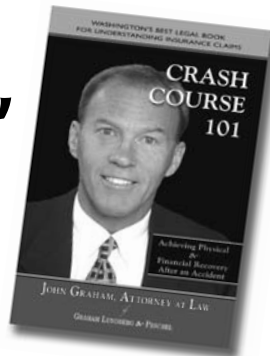
#### Paralegals/ Legal Assistants

- Annie Adamson
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- Heather Kelly
- Becky Moilanen
- Ashley Pearson
- Chandra Smith
- Marie Wohler

**We Rewrote the Book!**  
**“Crash Course 101”**  
The 4th Edition of  
**“Crash Course” is Here!**  
by John Graham, Attorney at Law



In the North Sound area call (800) 422-4610 for your complimentary copy.



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