

Recovery & Resolution

A LEGAL NEWSLETTER FOR
HEALTH CARE PROFESSIONALS



Graham Lundberg & Peschel *Founded 1979*

Third-party Coverage

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What is third-party coverage? Third-party coverage is coverage provided by the at-fault driver's insurance company. When your injured patients pursue their legal right to recover damages from the at-fault driver, that driver's insurance company has a contractual obligation to indemnify, or pay, those damages.

Liability – Is it an issue?

Once a claim is opened with the third-party insurance company, the first thing the insurance company will do is determine whether or not their insured was negligent and therefore liable for the accident and for your injured patients' injuries. Liability must be established before a settlement can be reached.

Sometimes the determination of liability is straightforward, for example, your patient is

stopped at a stop sign and violently rear-ended. In other cases, liability is not quite so clear, as when your patient and another driver collide in an uncontrolled intersection. In the state of Washington, your patient and the other driver may share liability. If the court determines that your patient is partially responsible for their own injuries, your patient will only collect a percentage of the full value of their case after a reduction for the percentage of their own fault. Often times that determination is made in court.

It is necessary that the liability determination be made as quickly as possible. If there is a liability dispute, the insurance company will normally notify your patient that liability has been denied or that liability is being questioned. If this happens, you should refer your patient to an attorney early on so that li-

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CA'S, Office Managers and Office Assistants...

Plan to attend our Summer Seminar

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GL&P Makes New Law

We are proud to announce that Attorney Kenneth "Barry" Dore, of Graham Lundberg & Peschel, made new Washington law by taking a case to the Washington Supreme Court and receiving an opinion on April 22, 2004. The court's opinion benefits every individual in Washington who has been injured by an uninsured motorist and makes a claim with the assistance of legal counsel, under his uninsured motorist coverage. The case is entitled *Hamm v. State Farm*. The court's opinion man-

dates that all uninsured motorist carriers in Washington have to share in the legal costs of making the claim as if the person who caused the accident had his or her own insurance. Before the



The court's opinion benefits every individual in Washington who has been injured by an uninsured motorist...

Hamm opinion was handed down uninsured motorist carriers, by offsetting the entire amount of per-

sonal injury protection benefits paid (i.e. wage loss and medical expenses), were paying out less than a wrongdoer's insurance carrier would pay. Because of that offset, the injured claimant did not receive the same full recovery as if the wrongdoer had his or her own insurance.

We thank Barry Dore for his hard work on the case, which arose from an accident in November of 1994.

Third-party Coverage, *continued*

ability issues can be explored. In addition, witnesses can be quickly identified and interviewed to determine the strength of the third-party insurance company's denial of liability.

Release Forms – Don't Be Hasty!

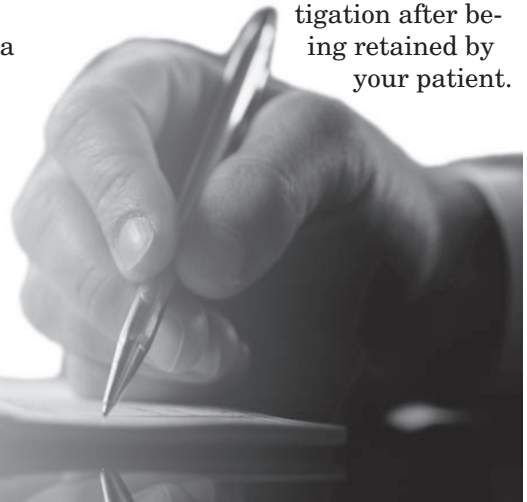
In addition to determining liability, the third-party insurance company may also attempt to settle the case as quickly as possible after the accident. The third-party insurance company will save money if it can settle the case before the full effects of the injuries are apparent and will also save money by avoiding litigation. Once an injured patient has accepted settlement and signed a release form, the patient is responsible for their own medical bills.

It is very important that your patients **do not** sign a release form unless they are 100% sure that

they are not injured as a result of the motor vehicle collision. Pursuant to Washington law, if your patients know they are injured and sign a release form, they will no longer have any recourse against the at-fault party, regardless of whether their injuries worsen in the future. However, there is case law in Washington holding that if your patients **believe they are not injured** and therefore sign a release form, that release form **may not** be binding, as they only learned of the severity of their injuries **after** they have already signed the insurance company's release form. This is a very important distinction, and if there is any doubt on your patients' part, **the release form should not be signed.**

To prevent your patients from entering into

a hasty, unwise settlement, it is essential for you to refer your patients to a qualified personal injury attorney with experience in handling automobile accidents. A qualified attorney then may advise your patient as to the wisdom of settling, or advise your patient as to the merits of denial of liability, or the attorney will proceed with an investigation after being retained by your patient.



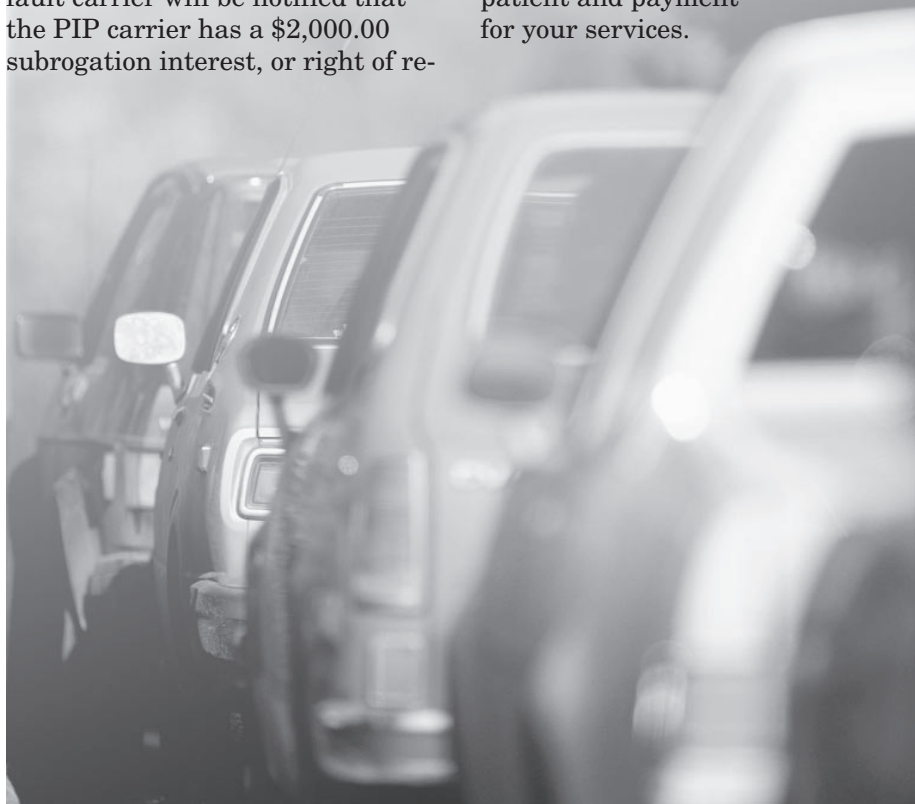


PIP More Important Than Ever

Personal injury protection (PIP) insurance is more important than it ever has been. It is important that if your patient has PIP insurance, or is covered by someone else's PIP insurance, the PIP carrier pays your treatment bills as treatment is rendered. If all your treatment bills are not paid at the time your patient concludes treatment with you, then the at-fault or third-party carrier, through a subrogation notice, becomes aware of how much the PIP carrier has paid. When the PIP carrier has not paid all of your bills, the third-party carrier's insurance adjuster will often argue that only the amount the PIP carrier has paid is reasonable and necessary.

For example, if you have \$4,000.00 in treatment bills and the PIP carrier has only paid \$2,000.00 of the bills, then the at-fault carrier will be notified that the PIP carrier has a \$2,000.00 subrogation interest, or right of re-

imbursement. The third-party adjuster then argues that since the PIP carrier only paid \$2,000.00 of the \$4,000.00 total bills, that must mean only \$2,000.00 of the bills are reasonable and necessary. The discrepancy between bills paid and total bills greatly affects the outcome of your patient's third-party claim and perhaps the ability to recover enough to pay all the health-care provider bills. Therefore, it is critically important that your office bill the PIP carrier frequently, two to four times a month, and if payment is not promptly forthcoming you should follow up with the PIP adjuster immediately. If the PIP adjuster declines to make payment for your services, your patient should be aware of this and should seek legal consultation, as the non-payments could greatly affect the ultimate recovery for your patient and payment for your services.



FREE SEMINARS

Graham Lundberg & Peschel welcomes Office Managers, Chiropractic Assistants, and Professional Assistants to attend a **FREE** Educational Seminar.

Join us for a complimentary Legal Educational Summer Seminar Regarding:

INSURANCE ISSUES

This is one seminar you cannot afford to miss! Sign up today.

**Wednesday, June 16
Port Orchard**

McCormick Woods Country Club
5515 McCormick Woods Blvd
Port Orchard, WA 98366

**Thursday, June 24
Seattle**

Seattle Center's Shaw Room

**Thursday, July 1
Tacoma**

La Quinta Inn & Conference Center
1425 East 27th Street,
Tacoma, WA 98421

Enclosed is an RSVP form. Seating is limited. Reply today!

- All Seminars: 12:00 – 3:00 pm
- Attendees receive a complimentary copy of Graham Lundberg & Peschel's Legal Guide To Insurance Issues
- Complimentary Lunch Will Be Served
- This Seminar is for Office Managers, Chiropractic Assistants and Professional Assistants





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
 John A. Hoglund
 Cydney Campbell Webster
 Sean A. Ayres
 Angela L. DeWig
 Kenneth Barry Dore
 Tara L. Eubanks
 John D. Webber
 *John Williams
 Rodney G. Zerr

*admitted in Ohio only

Our Paralegals

Rebecca Berdan
 Patricia Clanton
 Patti Cryder
 Judy Hanson
 Grace Stephens
 Diana Tennison
 Catherine Torkelson
 Sandi Wandler
 Heather Webb

Our Administration

Diane Daniel
 Trish Driver
 Jill Hanson
 Ann Harris
 Heather Kelly
 Martha McDonald
 Becky Moilanen
 Lucinda Pieczatkowski
 Tom Reger
 Erin Roudybush

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**
- Olympia 360-786- 1717**
- 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

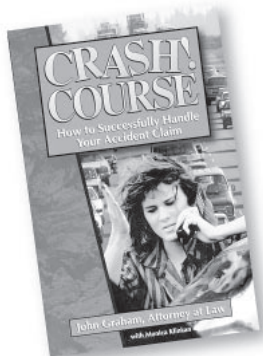
or visit us online...
www.glpattorneys.com

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

YOUR PATIENTS NEED...

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By John Graham
How to Successfully Handle Your Accident Claim



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