

# Recovery & Resolution

A LEGAL NEWSLETTER FOR  
HEALTH CARE PROFESSIONALS



Graham Lundberg & Peschel *Founded 1979*

## Are You Your Patient's Lead Health Care Provider?

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the Book  
Your  
Patients  
Need...  
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Course"  
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**W**hen a patient comes to receive treatment from you when they have been injured by the fault of another, as in a motor vehicle collision, do you know if you are the primary health care provider for this patient pertaining to their personal injury claim? How do you know whether you are the primary care physician? Did you decide or did the patient decide? There are many considerations to be aware of when you are a primary health care provider, such as coordinating various aspects of your patient's care, to include:

- Working with your patients to ensure your bills get paid, either through PIP, health insurance, or if there are neither of these coverages, cash or holding your bills until the case settles.
- Having your patient fill out the appropriate initial accident questionnaires to assist you in understanding the nature and extent of the injuries suffered from the accident and how the accident oc-

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**Plan to Attend Our Legal Educational Seminar...**

***What You Need to Know as the Lead Health Care Provider in a Personal Injury Case***

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# Settlements Involving Minors (Under Age 18)

**W**e handle many cases involving your patients that involve minors, which means they are under age 18 at the time of any settlement. Such cases are handled differently in that there are special rules and procedures that must be followed as court approval is necessary for any settlement involving a minor.

## I. Petition for Approval of Settlement

Special Proceedings Rule 98.16W directs the attorney handling the claim for the minor to file a Petition for Approval of Settlement with the Clerk of the Court in which the minor resides. The Court appoints a Settlement Guardian Ad Litem, and each Court maintains a list of eligible attorneys that can be ap-

pointed. A deadline is set for the SGAL to complete a report with regard to the proposed settlement and a hearing date is set.

## II. The Settlement Guardian Ad Litem (SGAL)

The SGAL is to “assist the court in determining the adequacy of the proposed settlement.” The SGAL will speak with the minor’s attorney and the minor’s family in order to determine how the accident occurred, the medical treatment needed and provided, the history of settlement negotiations, and will also research similar cases and settlements. The SGAL also recommends the most appropriate placement and protection of the net settlement proceeds to the minor, usually in the form of a “blocked” certificate of deposit or some

other federally insured account that becomes available to the minor when he or she reaches 18 years of age.

The SGAL has 45 days from the date of appointment to issue a written report to the Court with recommendations regarding the proposed settlement. The SGAL is generally paid a reasonable hourly rate as set by the Court, and payment typically comes from the insurance carrier paying the settlement.

## III. SGAL Report and Court Hearing

The SGAL report, consisting of 16 minimum subject areas set

by the court, is presented by the minor’s attorney at a hearing before the court. The minor and the minor’s parent(s) or guardian(s) are often required to be present to answer questions from the Court. The SGAL generally does not attend the hearing, but may on certain cases or before certain courts if the SGAL recommends settlement. If the Court accepts the SGAL’s recommendations, then an Order is entered approving the settlement and instructing the minor’s attorney to establish the appropriate blocked account in the name of the minor. The Order will also list medical bills, liens, costs, and other items to be paid from the settlement. Proof that the blocked account has been established for the minor must be filed with the Court.

## IV. Distribution of Settlement Proceeds

Once the Court signs the Order approving the settlement, the settlement can be distributed pursuant to the Order, which will include payment of all outstanding medical bills and liens. The net proceeds to the minor are placed into a blocked account to be made available to the minor at age 18, with few exceptions.

## V. Exceptions

Depending on the nature of the case and settlement, the minors own attorney can be deemed “independent counsel” in that he or she has no conflicts in representing the minor and other parties that may have been involved in the collision and making claims (such as a parent), and as long as the minor’s attorney meets all other qualifications expected of an SGAL.



# Are You Your Patient's Lead Health Care Provider?, continued from page 1

curred, as well as incident reports for health insurers.

- Identifying prior injuries, and/or medical conditions, and whether these will impact your treatment of this patient pertaining to his or her personal injury case.
- Whether you should be coordinating care with other health-care providers, such as dentists, psychologists, massage therapy, physical therapy or other specialists.
- When, and why, you should coordinate care or refer out for consulting or second opinions.
- Should you be monitoring treatment costs so limited PIP

or health insurer benefits can be applied to care that is priority diagnostic or treatment modalities.

- Should you be doing regular re-exams and writing reports for the personal injury protection adjuster and/or the third-party adjuster?

These are just a few of the areas you should be thinking about when a personal injury patient comes to you for treatment. The answers are not black and white, however, we hope to provide further understanding and guidance at our upcoming luncheon seminar series. Please see "Free Seminars" on this page for more information.



## FREE SEMINARS

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

### What You Need To Know As The Lead Health Care Provider In A Personal Injury Case

Thursday, **September 4**

**Everett** – Howard Johnson Hotel

Wednesday, **September 10**

**Olympia** – Mercato's Restaurant

Thursday, **September 11**

**Bellevue** – Red Lion Bellevue Inn

Wednesday, **September 17**

**Tacoma** – Cliff House Restaurant

Thursday, **September 18**

**Federal Way** - Verrazano's Restaurant

Wednesday, **September 24**

**Puyallup** – Best Western Park Plaza

Thursday, **September 25**

**Tukwila** – Best Western Southcenter

Wednesday, **October 1**

**Lakewood** – Lakewold Gardens

Thursday, **October 2**

**Port Orchard** – Mary Mac's of McCormick Woods

Thursday, **October 9**

**Seattle** – Best Western Executive Inn

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

- All Seminars: 12:30 – 2 pm
- Complimentary Lunch Will be Served
- This Seminar is for Doctors, Therapists and their staff!
- Doctors of Chiropractic, Massage Therapists, Physical Therapists will earn 1.5 CE credits





*Attorneys at Law*

**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.

**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  
 Tim Jones – Intern  
 Ben Lambert – Intern  
 \*admitted in Ohio only

**Our Paralegals**

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

**Our Administration**

Arlene Bolger  
 Tamara Briggie  
 Diane Daniel  
 Ann Harris  
 Thelma James  
 Heather Kelly  
 Martha McDonald  
 Becky Moilanen  
 Lucinda Pieczatkowski  
 Tom Reger  
 Paula Rhyne  
 Krystal Starwich  
 Celine Cloquet Vogler  
 Marie Wohlert

**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**

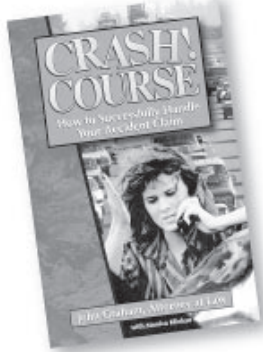
or visit us online...  
[www.glpattorneys.com](http://www.glpattorneys.com)

**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*

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