

Recovery & Resolution

A LEGAL NEWSLETTER FOR
HEALTH CARE PROFESSIONALS



Graham Lundberg & Peschel *Founded 1979*

HCFA Forms

Did You Know That Your HCFA Forms Are Carefully Studied By Defense Attorneys When Your Patient's Case Goes To Trial?

Inside this month's R&R...

Chart Notes: How to ensure you get paid on page 2

Case Study: How HCFA forms at trial can be used against you on page 3

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

HCFAs are important to personal injury claims in various ways. The HCFA form is forwarded to either your patient's personal injury protection insurance carrier or their health insurance carrier to obtain payment. When dealing with personal injury protection coverage, the insurance carrier typically requires a HCFA form rather than a billing statement. The HCFA form must be completed accurately. Personal injury protection carriers will be looking for, and in fact require, the appropriate diagnosis codes, CPT codes, provider name, physical address, and Tax ID number; they also look for the charges in order to determine whether or not they are reasonable. If the HCFA forms are not complete or the codes provided are not correct, payments may be delayed or denied.

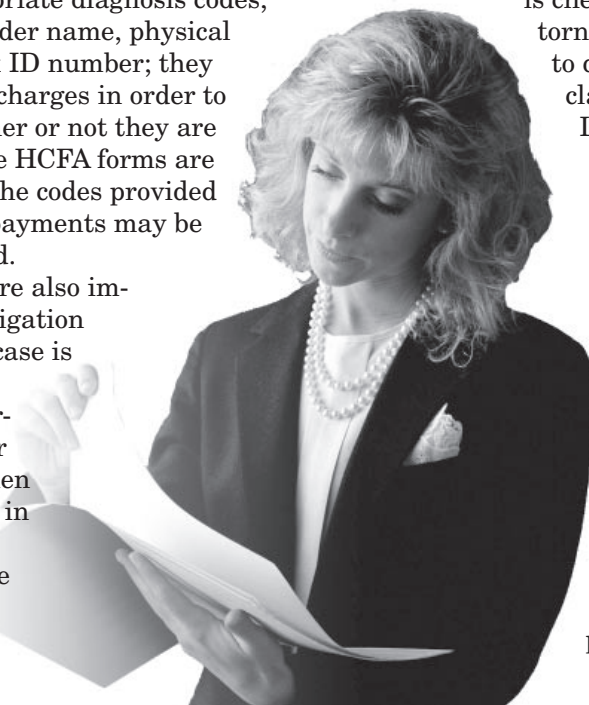
HCFA forms are also important in the litigation arena when the case is presented to the tortfeasor's insurance company for settlement or when used as evidence in a jury trial. In a litigated case, the patient is trying to prove that he or she was

treated for injuries stemming from the automobile accident. When HCFA forms are presented as evidence in a jury trial it is necessary that the form be accurate. For example, accuracy is critical when completing box number 10, which requests the health-care provider indicate if the patient's condition is related to: (a) employment, (b) automobile accident, or (c) other accident. If your patient has been in an automobile accident and the correct box is not checked, this could create a problem, especially if the "other accident" box is checked "yes." The defense attorney can then use that response to defend against your patient's claim for medical expenses.

Likewise, if the automobile accident box is checked "no," the defense may argue at trial that treatment received by the patient was not related to the motor vehicle accident, per the HCFA form. (See Case Study in this newsletter for a specific example.)

Another important portion of the form is number 16, regarding whether or not the patient is able to work in his or her "current occupation." Again, if the patient is off work and mak-

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Plan to Attend Our Legal Educational Seminar...

What You Need to Know About... Getting Paid in a Personal Injury Case

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Travel Notes, Chart Notes, and Soap Notes

What is one of the most important aspects of a health care practice that assures a provider will get paid for treatment rendered to personal injury patients? Clear, concise, easy-to-read chart notes, travel notes, or SOAP notes. In conjunction with accurate and complete HCFA forms, these regular progress notes provide PIP claim processors, health-care insurers, and attorneys with the tools they need to see that treatment bills incurred by the personal injury patient are paid, either as treatment progresses or at the completion of treatment. You may be curious as to which method best accomplishes this goal.

While travel notes are probably the easiest and most convenient method for the busy practitioner to use, there are deficiencies to this process when it comes to getting paid. Because this type of note is used during the visit with the patient, it can be the quickest, simplest method of chart-keeping a practitioner can utilize. Abbreviated, handwritten notes placed in the chart on the spot is efficient and allows more time for patients to be seen during the day. But travel notes can fall short when it comes time for those outside the health-care provider's office to review what is contained in the notes and make decisions as to whether or not the notes have enough information to justify the treatment and corresponding billing for the personal injury patient.

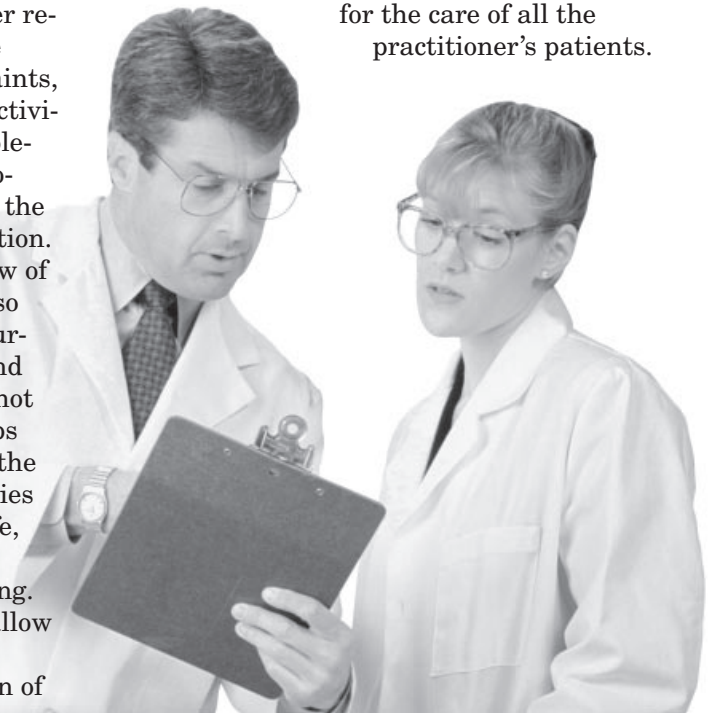
Chart notes are very useful, not only to the provider, but also to the insurers who pay for the treatment or attorneys who help the provider get paid. Much more information can be placed in the chart note than the travel note, although it is

somewhat less convenient. The chart note typically is not completed until the patient has left the treatment room. Some providers wait until later in the day and complete several chart notes at once during breaks in their patient load. This practice can occasionally lead to slight inaccuracies or omissions, but the amount of information in the patient's chart is normally more complete and useful for the personal injury patient's insurer or attorney. The advent of relatively low-cost digital recorders and transcribing equipment has made dictating the information very simple, either during or immediately after the visit with the patient, and it also allows for clear and comprehensive typed chart notes that can be extremely valuable.

Many of the advantages of chart notes also apply to SOAP notes. The main advantage with the SOAP note is the ability to document what the patient relays to the provider regarding subjective symptoms, complaints, or limitations to activities that can complement what the provider finds during the objective examination. The subjective view of the patient can also provide to the insurance companies and attorneys a snapshot in time which helps them understand the effects of the injuries on the patient's life, as well as where treatment is leading. SOAP notes also allow a more complete, overall explanation of

injuries and treatment, as well as what may be necessary in terms of conjunctive care, future referrals for diagnostic testing, or other modalities of treatment besides the care provided by the author of the SOAP note.

The most important aspect of a patient's medical record is to provide a readable and useable format that may be utilized on many fronts, not only for obtaining payment from a personal injury protection or health insurance carrier for the treatment provided to a patient, but also in a personal injury claim, especially if the claim ends up in litigation. Again, the technology available for creating a transcribed, typewritten history in the patient's chart is tremendously effective in telling the proper story for the patient during resolution of the claim. In the end, this can lead to fewer questions regarding treatment given by the provider to a specific patient, and more time for the care of all the practitioner's patients.

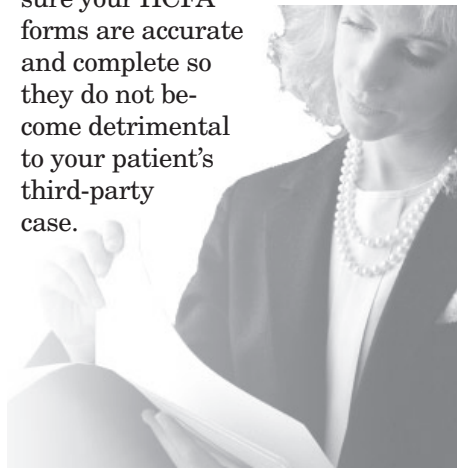


Case Study—Importance of Accurate HCFA Forms

Defense attorneys in personal injury cases will look for any inaccuracy with which to poke holes in the Plaintiff's case. An example is a case that went to trial on a motor vehicle accident in which the patient underwent chiropractic care. During cross examination of the chiropractor the defense attorney pulled out the HCFA form to question the doctor. The HCFA form, at box no. 10, did not indicate that the patient's condition was related to the automobile accident. The defense attorney questioned the chiropractor as to whether the treatment provided was related to the motor vehicle accident since the doctor's HCFA form indicated that it was not. The doctor maintained the treatment was related to the motor vehicle accident. However, in closing argument the defense attorney argued that the treatment Plaintiff received must have been related to a pre-existing condition or an unrelated condition because the doctor did not indicate on the HCFA form that the treatment and the patient's condition was related to an automobile accident. This may seem like a minor error on a computer form, however, the defense attorney was able to make a compelling argument that the treatment received may not be related to the motor vehicle accident in this particular case. The

doctor's credibility was also questioned. Although—in this particular case—the jury still awarded medical bills for the patient's care, it was cause for concern and was certainly an issue to which Plaintiff's counsel had to respond. Having to respond to defense counsel's argument took away from the more important issues in the case. Even though the doctor claimed the treatment was related and the form was in error, the doctor's credibility and accuracy were compromised, which in turn undercut the value of the case and jeopardized the patient's opportunity to recover chiropractic expenses. Thus, the defense attorney's tactic was successful in that she was able to raise some doubt in the jurors' minds and muddle the important issues in the case.

Again, it is important to make sure your HCFA forms are accurate and complete so they do not become detrimental to your patient's third-party case.



HCFA Forms, continued from page 1

ing a wage loss claim against the tortfeasor but this box is not completed, the defense will argue that it was the doctor's opinion that the patient was in fact able to work after the injury-producing accident.

As a side note, according to our

research, the Health Care Financing Administration (HCFA) became the Centers for Medicare and Medicaid Services in July of 2001; therefore, the "HCFA" prefix to form numbers is being changed to "CMS."

FREE SEMINARS

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

Join us in a discussion regarding:

What You Need to Know About... Getting Paid in a Personal Injury Case

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

Thursday, **February 5**
Everett – Howard Johnson Hotel

Wednesday, **February 11**
Olympia – Mercato's Restaurant

Thursday, **February 12**
Bellevue – Red Lion Bellevue Inn

Wednesday, **February 18**
Tacoma – Cliff House Restaurant

Thursday, **February 19**
Federal Way – Verrazano's Restaurant

Thursday, **February 26**
Renton – Holiday Inn

Wednesday, **March 3**
Steilacoom – E.R. Rogers Mansion

Thursday, **March 4**
Port Orchard – McCormick Woods Country Club

Thursday, **March 11**
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

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.

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 Sean A. Ayres
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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

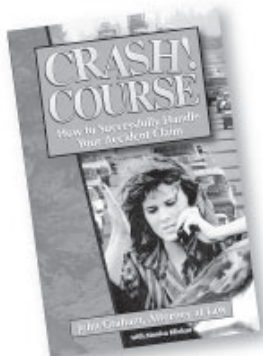
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YOUR PATIENTS NEED...

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By John Graham
How to Successfully Handle Your Accident Claim



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