

# Recovery & Resolution

A LEGAL NEWSLETTER FOR  
HEALTH CARE PROFESSIONALS



Graham Lundberg & Peschel *Founded 1979*

## Good Documentation Helps Cases Settle

**Inside  
this  
month's  
R&R...**

**Importance  
of Exami-  
nations and  
Re-exami-  
nations in  
PI Cases  
on page 2**

**Examina-  
tion and  
Re-exami-  
nation  
Forms:  
Are They  
Really  
Necessary?  
on page 3**

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

**I**t seems fairly obvious to any practitioner, but good documentation can help any personal injury case avoid the courtroom. In many practices now, we see several documents—questionnaires really—that the new or returning patient is asked to complete when they first come in after a traumatic event such as a car accident, slip and fall, or other incident. These questionnaires often consist of a patient history form, and/or auto accident injury form and a pain diagram.

Depending on the form and what questions are asked, the information elicited on the new patient history form can help the attending physician to understand both the patient's history of prior injury, health, health care treatment, and contributing or complicating conditions. The auto accident injury form can assist the practitioner to understand the circumstances surrounding the injury, not only to make determinations on mechanism of injury and extent of that injury, but whether the practitioner or the patient will be best served in consulting legal counsel immediately.

Often, there may be questions surrounding liability, multiple tortfeasors, availability of insurance coverage or lack thereof, low impact or minimal property damage, prior or intervening injury producing events that will be red flags that should encourage any practitioner to

proceed with caution and care in treating, referring out or holding treatment bills pending a settlement.

However, merely handing the patient a form and asking them to fill it out is only the first step. There is no substitute for the careful and cautious practitioner to critically read the completed questionnaire in the presence of the patient and review with that patient their answers. At that time additional information can be added in notation form and oddities eliminated or explained.

Problems that might arise later on can be eliminated by accuracy, forthrightness and completeness when these forms become part of the patient's record. For example a question commonly asked is: "Have you experienced the same or similar problem in the

*continued on page 2*



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

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

**See page 3**

# Importance of Examinations and Re-examinations in PI Cases

Initial examinations and regular re-examinations are an important part of your patient's care and form the foundation of any personal injury case. There are some important points to keep in mind that, if followed, will assist your patient in successfully obtaining a good result when that patient presents personal injury claims in Washington.

## Initial Examinations

1. Make detailed, legible and accurate chart notes that document ALL subjective complaints and objective findings.
2. Document pain complaints or symptoms even if they pertain to an area of the body that you will not be treating. For example, chiropractors and massage therapists should note complaints of numbness or tingling in extremities.
3. Document any abrasions, bruising and swelling found immediately after an accident. If you have a camera available in your office take a picture of bruises or cuts that document the severity of your patients injuries. Simple digital cameras are good to keep in your office and the images can be saved to your patients file and emailed to other medical providers or the patient's attorneys.
4. Carefully and thoroughly document the effect complained injuries are having on your patient's normal work activities and other activities of daily living. Be as specific as possible and note them in detail.

5. If you place the patient on work or activity restriction, document the restrictions in your findings. This helps with obtaining personal injury protection (PIP) benefits for lost wages and loss of services expenses, which is a benefit if your patient has to hire someone to assist with household chores.

all activities your patient continues to have trouble with. If your patient must do normal work or activities, but does so with pain, note that the patient is having trouble and doing his or her normal duties under duress.

4. Note progress made as a result of the medical care provided.

## Re-Examinations

1. Re-examinations should be done regularly.
2. Avoid open-ended prognosis or you may invite a PIP Insurance Medical Examination. Note progress and project expected MMI dates, subject to future re-examinations.
3. If you have taken a patient off of work or restricted activities of daily living, project a date that the patient can resume all or part of these activities, again subject to future re-examinations. Again, explicitly document

5. If your patient is not reporting significant improvement, consider a referral to another type of medical provider that may be able to assist you in gaining recovery for the patient.
6. Make sure to send initial examination and re-examination reports promptly to the appropriate PIP or health insurance carrier, with your billing statements to avoid delays in payment of your bills.
7. If your patient is seeing any other health care providers, send them copies of your reports and coordinate care and treatment as the lead health care provider.

---

## Good Documentation, continued from page 1

past?" It would not be unheard of for the patient to think that a low back injury at L5-S1 is a lot different than a L1-T12 injury to respond "no." Unfortunately, most insurance adjusters, defense attorneys and jurors would believe that answering in the negative would be tantamount to lying. Questioning and changing responses by the doctor in the initial interview process is worth its weight in gold if the credibility of the patient can be preserved.

Just as important is the good that can come from a doctor who knows all about an accident and adds notations such as "force of impact pushed car forward 30 feet into car ahead" instead of just a laconic "rear-ended" notation. Getting the details and getting them right will save the client and the practitioner a lot of trouble and often will be a moving factor in settling a case rather than litigating it.



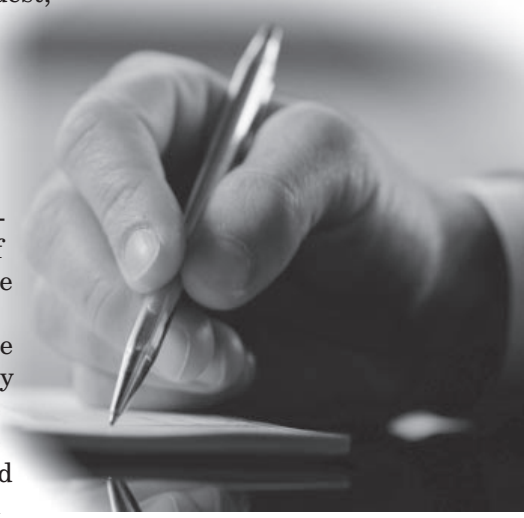
# Examination and Re-examination Forms: Are They Really Necessary?

From the legal perspective, examination and re-examination forms are the bedrock upon which the non-practitioner bases their evaluation of a case. The evaluation of a case includes, from the adjuster's point of view, not only what the injury is all about, but also what kind of witness the doctor will make when he testifies at a trial or arbitration. If the adjuster or other evaluator, such as another physician, who is doing a paper review believes that the attending physician is less than professional, they will likely alert the adjuster. The reviewing physician may also find that the treatment modalities being utilized are improper or that the charges are for modalities that are not reasonable or not being noted on the daily travel card or exam forms so some fraudulent billing practices are being engaged in.

An example of a situation where the paper reviewer essentially said the doctor was fraudulently billing recently occurred in a case involving a simple parking lot head-on accident. The treatment was modest, about \$2,800 for chiropractic and a little massage. However, the chiropractor reviewing the treatment and billings noted that there were no examination forms with chiropractic, orthopedic or neurological testing results and that the lack of findings meant that most of the treatment was not reasonable and not likely to be supportable in court. Adding insult to injury was the fact that a billing code was not supported because the type of modality that was billed for was not noted on the travel

card each and every time it was supposedly performed. Fortunately for the patient, the doctor admitted that his paperwork was not always perfect, and insisted that the modality had been utilized. Ultimately we convinced the arbitrator that the treatment charges were reasonable. Unfortunately for the doctor, he was embarrassed and had to spend the time defending and explaining his deficiencies.

Often too, the adjuster will base their evaluation on the exam or reexamination findings for treatment subsequent and will look for a "plan" of treatment. An example of that occurring in a rear-end accident case led to a client having to file a lawsuit against an Allstate insured because the Allstate adjuster felt that the chiropractor was just treating without an overall plan or process of evaluation and re-evaluation. The litigation could have been avoided through conscientious use of adequate examination and re-examination forms.



## 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 Ristorante

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





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

\*admitted in Ohio only

**Our Paralegals**

- Patricia Clanton
- Patti Cryder
- Kimberly Cutting
- Judy Hanson
- Grace Stephens
- Diana Tennison
- Heather Webb

**Our Administration**

- Arlene Bolger
- Tamara Briggie
- Diane Daniel
- Jill Hanson
- Ann Harris
- Thelma James
- Heather Kelly
- Martha McDonald
- Becky Moilanen
- Lucinda Pieczatkowski
- Tom Reger
- Paula Rhyne
- Krystal Starwich

**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**

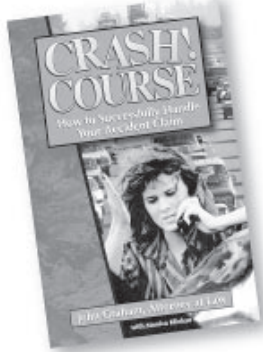
or visit us online...  
[www.glpattorneys.com](http://www.glpattorneys.com)

**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



PRSR STD  
US POSTAGE  
PAID  
#34  
SEATTLE WA

500 John Street  
Seattle WA 98109