

Medical Treatment: The Lifblood of a Personal Injury Claim

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There is the public misconception that because you are hurt in an automobile collision, the insurance company for the party who caused the collision magically opens its wallet to compensate you to the tune of thousands and thousands of dollars -- without you even having to prove that injuries were indeed incurred. The line I hear from most potential clients is "well the insurance company admitted their insured is at fault," as if the battle on the claim is already over. In reality, the battle has just begun.

As I tell my clients, the fight is usually not about who is at fault (since 95% of the time it is clear as to who caused a given collision), but rather how much the injured party should be compensated for his or her harms and losses. The Insurance Industry as a whole always takes the position that no one can possibly be hurt in any collision ever. End of story. Of course that is not an accurate representation of reality, but it is the Industry's default position.

The responsible response is to document the injuries by seeing the appropriate doctor and obtaining the treatment recommended and is sometimes easier said than done. In this day of HMOs and PPOs and health insurance companies that only authorize the treatment a doctor (usually located in India) authorizes after merely reviewing the patient's chart, it can be daunting to get the medical treatment that is necessary to heal (the most important thing) and to also document the injuries appropriately so that the insurance company involved cannot argue you were not hurt. As I tell all of my clients, "you must be your own best medical advocate". Having a good personal injury attorney involved in the claim can also be helpful, as there are doctors specializing in personal injuries who will provide treatment outside of health insurance restrictions. These doctors will usually only get involved if they know a respectable law firm is also involved and they can be assured of payment at the end of the claim.

Being involved in an automobile collision where injuries are sustained is never a fun process. However, without the appropriate medical treatment (that documents the injuries and at the same time heals the injuries) -- and no matter how much pain the victim suffers -- the compensation for those injuries is going to be *di minimis* (small or insignificant) and the victim is going to be disappointed with the outcome of the claim. Although I do not wish anyone the misfortune of being involved in an injury-causing accident, if that misfortune does come into your life, please be aggressive with your medical treatment early on, not only for the sake of the claim but more importantly, for the benefits early medical treatment can provide in the healing process.