

The Importance of Medical Evidence In Personal Injury Claims

*Managing Your Medical
Treatment After An
Accident*

By Chris Davis, Attorney at Law



Published by:



DAVIS LAW GROUP, P.S.

Davis Law Group, P.S.
2101 Fourth Avenue
Suite 1030
Seattle, WA 98121

206-727-4000

Washington Accident Books & Reports

A Public Information Service for the Citizens of Washington State



Brought to you by

DAVIS LAW GROUP, P.S.

Copyright © 2014 by Davis Law Group, P.S.

All rights reserved. No part of this report may be reproduced, stored in a retrieval system, or transmitted by any means, electronic, mechanical, photocopying, recording, or otherwise, without written permission from the author.

Printed in the United States of America.

There is no attorney-client relationship unless the attorney and the client sign a written agreement. Your receipt of information from this website, receipt of books or reports via mail, filling out a Case Submit or contact form, an email exchange, phone conversation and/or in-person consultation with Davis Law Group, P.S., or one of its attorneys or staff, DOES NOT create an attorney-client relationship between you and Davis Law Group. Any accident and legal information provided by Davis Law Group to non-clients is for general information purposes only. It is not a substitute for legal advice. This means Davis Law Group, P.S. is not acting as your attorney unless or until a written agreement is signed by the client and the attorney. Although we will review your information and evaluate your potential claim, this does not mean that we have or will agree to represent you. As a matter of policy, Davis Law Group does not accept a new client without first investigating possible conflicts of interests and obtaining a signed contingent fee agreement. Put simply, we are not your law firm until and unless we a-) agree to accept your case; and b-) you formally engage our services by signing a written agreement as required by the attorney ethics rules for Washington State.



DAVIS LAW GROUP, P.S.

Davis Law Group, P.S.
2101 Fourth Avenue
Suite 1030
Seattle, WA 98121

Phone: 206-727-4000
Fax: 206-727-4001
www.InjuryTrialLawyer.com
DavisLawGroupSeattle.com

The Importance of Medical Evidence in Personal Injury Claims

When a person makes a personal injury claim, their *medical evidence* is the basic foundation of the case.

When a person makes a personal injury claim, their medical treatment is an important foundation to support the strength of the case. The medical treatment records help the attorney prove how serious, severe and/or debilitating the injuries have been for that person. Conversely, the medical records can also help the insurance company or defense attorney prove how minor the injuries have been and show how the patient has failed to follow the doctor's treatment recommendations.

If you have ever watched a legal drama TV show, then you know that all legitimate legal claims must be supported by good evidence. For example, in a criminal case the evidence may be fingerprints, blood spatter, or DNA samples. In many cases the evidence will also consist of eye witness testimony, expert testimony, and various records and reports. **In a personal injury case, the injured person's medical treatment records are often the most important evidence in the case. The medical records will often be referred to by the medical experts during trial. The records may also be shown to the jury to illustrate the severity or minor nature of the injuries being claimed.** This is especially true for car accident injury claims, medical malpractice cases and other types of personal injury claims.

Your medical records assess and document the nature and extent of your injuries; your treatment for those injuries; your progress and recovery; your complaints of pain, discomfort and limitations; any ongoing or permanent health problems; and the effect that the injuries have had on your life. Without medical records, test reports, doctor's chart notes, office appointment histories, account statements and billing records, it is very difficult to prove or illustrate that you have been injured or severely injured and that you are thus entitled to any sort of monetary compensation for those injuries. In a nutshell, **without adequate medical records you usually cannot prove that you are injured—without medical records you do not have a case.**

BUT WHAT IF I CAN'T AFFORD MEDICAL TREATMENT OR CAN'T GET TO APPOINTMENTS?

Unfortunately, even if you are severely injured, your lack of insurance or financial resources to pay for medical treatment may have a very big negative impact on your case. The insurance adjusters does not care if you did not have enough insurance or money to get treatment. If you don't get treatment when it is warranted, the insurance company will use this against you by arguing that you made a full recovery or that your injuries are not that serious (and hence you deserve a much lower amount of compensation).

"...without adequate medical records you usually cannot prove that you are injured—without medical records you do not have a case."

Getting the medical treatment you need will provide the medical evidence that is necessary to get a fair and reasonable settlement or verdict.

Even if you are severely injured, the inability to receive treatment due to transportation problems (don't have a car, can't drive, etc.), work-related issues (not getting time off from work for treatment), or any other reason may still have a negative impact on your case. This is why it is so very important that you get the treatment you need and deserve.

You also need to be aware that lengthy or intermittent gaps in your medical treatment may also create problems with your case. So skipping medical appointments because of financial concerns, work-related issues, transportation, etc. will cause the insurance company to question the nature and extent of your injuries, and thus offer much lower compensation to settle your claim.

NO TREATMENT, NO CASE.

Again, without proper documentation of your injuries and treatment you don't have any evidence that actually proves that you are injured. So if you are legitimately injured you need to do whatever is necessary to get the medical treatment that you need. Getting the medical treatment you need will provide the medical evidence that is necessary to get a fair and reasonable settlement or verdict.

SO WHAT SHOULD I DO?

You have several options when you need medical treatment. Do you have Personal Injury Protection or MedPay under an automobile insurance policy? Do you have health insurance? Are you entitled to Medicare or Medicaid? If yes, then open a claim and seek out these benefits. Some people ask, "Why should my insurance pay for an injury someone else caused?" The answer: because you pay for it. In our state, most health insurance plans and auto insurance policies have a right to seek reimbursement for benefits paid out of your personal injury settlement. Often times your lawyer can negotiate a significant reduction of the amount that has to be paid back so you end up with more of your settlement in your pocket.

As stated, one option is Personal Injury Protection (PIP) insurance which may be additional coverage under your automobile insurance policy. It is required by law to be provided to you unless you reject it in writing. You likely have this type of coverage without even knowing about it. Lastly, if you need care and have no way to get it, there are some healthcare providers who may be willing to treat you on credit until your case is resolved. Sometimes we can help locate such a provider depending on your treatment needs. In any event, you should explore all options to get the get the medical care you need without delay.

Protecting the Legal Rights of
Injury Victims & Their Families



DAVIS LAW GROUP, P.S.[™]

SERIOUS INJURY & WRONGFUL DEATH ATTORNEYS

2101 Fourth Avenue
Suite 1030
Seattle, WA 98121
206-727-4000

www.DavisLawGroupSeattle.com

Christopher M. Davis
Attorney at Law