



your medical care

AFTER A CAR OR TRUCK ACCIDENT

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DON'T PUT AN ACCIDENT CLAIM AHEAD OF YOUR HEALTH

One of the mistakes people sometimes make after an accident is trying to arrange their medical care and treatment based on a potential case against the other driver. And some lawyers encourage this – having their “runners” or “investigators” sign up clients right after an accident and then sending them to one of their doctors. They seem to think this will lead to higher medical bills which, in turn, will lead to a higher potential settlement. That's a big mistake.

As many of you have heard over the years, we have a saying – Don't let your case run your life. It should be the other way around.

If you've been hurt in a collision, get the medical attention you need to get better. Don't worry about the effect it will have on a case.

Here are some key do's and don'ts to keep in mind when speaking with your health care providers after an accident:

DO be 100 percent honest with your health care provider. Give your doctor a completely accurate history of what happened, your injuries and medical conditions, including any previous injuries. Insurance companies have vast databases on insurance claims, so you can be sure they will uncover

any prior accidents and injuries, and in doing so, will cast doubt on your doctor's current diagnosis.

DON'T exaggerate the details of your accident. If you tell your doctor that your car was totaled when it actually only had minor damage, you're asking for trouble. Your doctor may be called to testify at trial about your injuries and will end up getting embarrassed by the insurance lawyer if you've misled him or her.

DON'T exaggerate your symptoms. You should tell your doctor exactly what symptoms you are experiencing. Exaggerating your symptoms won't make your case stronger, and in fact, can sink your case if evidence (such as video surveillance) comes to light that contradicts what you told your doctor you can or can't do on a daily basis.

DO follow the treatment plan your doctor recommends. This means following through on physical therapy, making it to all of your appointments, and taking prescribed medications. If you fail to do so and your recovery takes longer than expected, the insurance company lawyer will blame you and make the argument at trial that you must not have been hurting that badly. ■

SAY “I’M SORRY” AND you might be sorry

It’s one of those things you wouldn’t even think about -- you’ve just had a wreck, you’re pretty banged up (and definitely shook up) when you happen to say to the other driver, “I’m sorry.”

Seems innocent enough, even the polite thing to do, right?

Problem is, saying you’re sorry after an accident can be construed as you accepting some level of blame which the other driver’s insurance company can use to hurt your case.

The time immediately following an accident is stressful, especially if there are serious injuries involved. Tensions and emotions can run high, and someone else may be blaming you for the accident.

Your best bet is to keep any conversation with the other driver limited and stick to the basic exchange of information. Even if you feel that you were at fault for the accident, don’t admit it.

There can be many factors involved in the cause of an accident. There could have been an equipment problem such as the brakes failing. There could have been a hazardous road condition that should have been fixed. The bottom line is that until there is a thorough investigation of the accident scene and the vehicles involved, sometimes it can be difficult to determine who was at fault.

And if there are serious injuries and your statements can be used against you, it’s just not worth it to accept blame before all of the facts are in. ■

MASSIVE EGG RECALL raises questions



In light of the recent recall of approximately 500 million eggs after hundreds of people were sickened by salmonella, many questions have arisen regarding the safety and proper handling of eggs.

According to the Centers for Disease Control (CDC), eggs are safe when they are handled properly. The CDC recommends the following guidelines to limit your risk of a salmonella infection:

- Keep eggs refrigerated at $\leq 45^{\circ}\text{F}$ ($\leq 7^{\circ}\text{C}$) at all times.
- Discard cracked or dirty eggs.
- Wash hands, cooking utensils, and food preparation surfaces with soap and water after contact with raw eggs.
- Eggs should be cooked until both the white and the yolk are firm and eaten promptly after cooking.
- Do not keep eggs warm or at room temperature for more than 2 hours.
- Refrigerate unused or leftover egg-containing foods promptly.
- Avoid restaurant dishes made with raw or undercooked, unpasteurized eggs. Restaurants should use pasteurized eggs in any recipe (such as Hollandaise sauce or Caesar salad dressing) that calls for raw eggs.
- Eating raw or undercooked eggs should be avoided, especially by young children, elderly persons, and persons with weakened immune systems or debilitating illness.

The companies at the center of the recall are facing lawsuits now. Wright County Egg in Galt, Iowa, which investigators traced the egg salmonella outbreak to, has a history of legal and regulatory violations according to recent reports. ■

A DEADLY MIX OF DISTRACTIONS ON THE ROAD

texting while driving

According to the U.S. Department of Transportation, distracted driving can be broken down into three main types of distraction -- visual (in which you take your eyes off the road), manual (in which you take your hands off the wheel), and cognitive (in which you take your mind off what you are doing).

While any type of distraction while you are driving can be dangerous, what makes driving while texting especially problematic is that it involves all three main types of distractions.

Statistics show that around 20 percent of all crashes involve some type of distraction, and in 2008, nearly 6,000 people were killed in collisions involving a distracted driver.

And even though many states have banned or are considering bans on texting while driving, it is up to drivers themselves

to use common sense. When you're behind the wheel, put the phone down entirely, or if you absolutely have to send a text, pull over to a safe area on the side of the road or into a parking lot.

If you or a family member has been injured in an accident caused by a distracted driver, you should contact an experienced personal injury attorney. ■



October Important Dates

October 11 – Columbus Day October 16 – National Boss Day October 31 – Halloween

FAQ



Can my lawyer settle my case if I don't agree to it?

No. It is your case, and you are the one who has the final say on whether to settle or not. We, of course, advise and counsel our clients on the strengths and weaknesses of their case and the range of fair settlement offers based on our experience, but the ultimate decision is still up to the client. ■

Donahoe Kearney, LLP

One Farragut Square South

Suite 500

1634 Eye Street, N.W.

Washington, D.C. 20006

202-393-3320

www.DonahoeKearney.com

medical care



AFTER A CAR ACCIDENT

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ER mistakes



Horror stories about patients not getting medical treatment because of overcrowded and understaffed emergency rooms often appear in the media. Doctors, nurses, aids, technicians and other staff see mostly routine injuries and illnesses in the ER, but because of this can miss the most serious, life threatening conditions. And in the rush to discharge patients, they don't always get all the information they need to adequately and promptly diagnose the patient's condition and keep the patient safe.

Bad Decisions by ER staff include:

- Not taking the time to check that the right medication and dosage is administered.
- Not getting or reviewing the patient's lab results.

- Not reviewing the CT scans, MRI films or other test results before discharging the patient.
- Not consulting with an on call specialist.

A health care provider cannot needlessly put the safety of his patient at risk. Unless the doctors and nurses get all the available information before telling a patient to go home, they are doing exactly that.

And if they don't get all the available information, they can't rule out the most serious or life threatening conditions in the ER – like heart attack, stroke, and pulmonary embolism – that can have catastrophic results for the patient and the patient's loved ones. ■

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