



AUTOMOBILE ACCIDENTS – FUNDING FOR CATASTROPHIC INJURIES

AUTOMOBILE INSURANCE BENEFITS

Finding adequate health insurance coverage to care for individuals who have suffered serious injuries in automobile accidents is a difficult task. States require automobile owners to carry a minimum of coverage on their automobiles; however, most people do not have *adequate* medical coverage for a severe or catastrophic injury. Pennsylvania's automobile insurance is considered *no-fault*, meaning that your own auto insurance is primary coverage for your injuries, regardless of which party is at fault. **Insurance coverage is separated into distinct categories:**

- **Medical Benefits** – This coverage pays medical bills for you and others who are covered by your car insurance policy. The minimum limit you must purchase is \$5,000 of coverage. Higher limits are available if you so choose. You can purchase up to \$100,000 of standard coverage.
- **Extraordinary Medical Expenses** – You can purchase an additional \$1,000,000 of medical coverage for a total of \$1,100,000 of medical benefits coverage.
- **Property Damage Liability** – If you damage property in an accident, this coverage pays for it. The minimum limit is \$5,000 of coverage. Some companies offer more property damage liability coverage.
- **Bodily Injury Liability** – If you injure someone in a car accident, this coverage pays damages if you are found liable. The minimum limit of coverage is \$15,000 per person and \$30,000 per accident.
- **Underinsured Motorist Coverage (UIM)** – This coverage is for you and your passengers for bodily injury coverage if you are hit by an at-fault motorist with *insufficient* insurance coverage.
- **Uninsured Motorist Coverage (UM)** – This coverage provides you and your passengers bodily injury coverage if an at-fault uninsured motorist hits you.
- **Wage Loss**
- **Death and Funeral Benefits**

BLENDING INSURANCE COVERAGES

The following options should be considered:

- **Automobile** insurance that you purchased (*Primary*)
- **Private** health insurance
- **Government** programs including Medicaid, Medicaid Waivers (Home and Community-Based Services), and Medicare.
- **Workers' Compensation** (Primary if you were in the scope of employment at the time of the accident).
- **Social Security Disability** (SSD) and Supplemental Security Income (SSI)
- **Traumatic Brain Injury Program:** State-specific program. (*Call to determine eligibility*).
- **Private Funding Resource:** This resource assists *underinsured* and *uninsured* families and *supplements* a family's existing health insurance coverage. (*Call to determine eligibility*).
- **Insurance proceeds** from a lawsuit from the individual/company that caused your accident.

*Identifying and securing all available funding and insurance benefits will **maximize healthcare options, aid in discharge planning, provide funding for care at home, and avoid residential placement.** It takes particular crafting by a case manager, advocate/attorney, and a human resource representative to put together a plan where each funding source pays a percentage of the related medical bills from the automobile injury. This is called **blending insurance coverages.***

WHO PAYS FOR MEDICAL BILLS FOLLOWING A PEDESTRIAN OR BICYCLING ACCIDENT?

In Pennsylvania, if a pedestrian or bicyclist is injured and owns a vehicle with insurance or is covered by a family member's policy, they can file a claim under that policy for payment of their medical bills. If a pedestrian or bicyclist is injured and does not have their own insurance policy, and is *not* covered by another insurance policy, they may file a claim under the policy of the vehicle involved in the accident. Most states have similar rules regarding payment of medical bills for pedestrians and bicyclists.

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APPEALING DENIAL OF BENEFITS

After you have exhausted the limits of your automobile medical payment coverage, private insurers, Medicaid, and Medicare often deny payment for therapies, rehabilitation, nursing, equipment, and homecare supports and services. Therefore, challenging all insurance denials is of utmost importance. You should meet all deadlines when filing an appeal. Time limits are usually not extended.

ACCIDENT INVESTIGATIONS

Whenever there is a significant injury from an automobile accident, the circumstances of the accident should be thoroughly and promptly investigated. Determining exactly what occurred during the accident is crucial.

1. Speeding, reckless driving, and violating motor vehicle statutes are some of the major causes of automobile accidents.
2. Truck accidents are a significant cause of catastrophic injuries, such as traumatic brain injuries and spinal cord injuries, resulting in long-term and life-altering consequences. Studies indicate that trucks and tractor-trailer accidents are a “nationwide epidemic.” In all states, if you are injured in a truck or tractor-trailer accident, the negligent driver, employer, or *commercial auto insurance carrier* may be liable for your future medical expenses, wage loss, pain and suffering, and other damages.

CRASHWORTHINESS/STRUCTURAL INTEGRITY

Crashworthiness is the ability of a vehicle and its internal systems to protect occupants from injury in the event of an accident. The Structural Integrity of vehicles should be designed to withstand the forces of a crash and maintain the safety of passengers. Many design defects cause or contribute to injuries sustained in an accident, such as:

1. Airbag malfunction
2. Seatback failure
3. Vehicle rollover/roof collapse
4. Lack of side-impact airbags
5. Rear seat lap belt injuries
6. Defective tires
7. Non-collapsible steering column
8. Defective booster/children’s car seats

An automobile or product involved in your accident should never be discarded, altered, or destroyed before an appropriate expert can evaluate it.

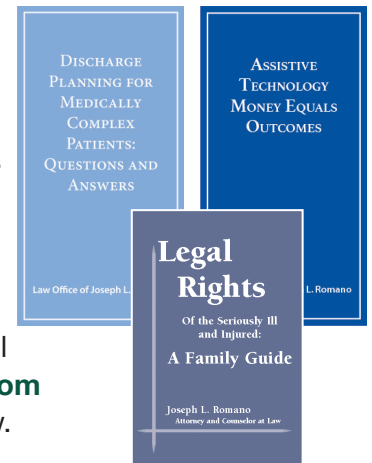
INTOXICATED DRIVERS

Accidents involving intoxicated drivers should be thoroughly investigated to determine if there are other responsible parties besides the driver. Bars, restaurants, or other companies that sell alcohol to individuals who clearly exhibit signs of intoxication or sell alcohol to minors, can be held liable for injuries caused by an intoxicated individual.

CONCLUSION

Securing adequate funding for post-accident care requires careful evaluation and advocacy. By understanding automobile insurance benefits, coordinating, and blending various funding sources, and investigating the causes of accidents, individuals and families effected by automobile accidents can maximize available benefits and ensure access to necessary care.

To receive copies of the newsletter, brochures, copies of Mr. Romano’s book entitled **Legal Rights of the Seriously Ill and Injured: A Family Guide**, or request a telephone consultation, please call **800-331-4134**, or email **info@josephromanolaw.com** or scan the QR code below.



WATCH FOR FALL 2024 NEWSLETTER

Important Facts On Medicaid



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Mr. Romano, along with qualified co-counsel, represents children and adults throughout the United States.



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