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Exceptional Representation For the Injured



If you need our services, please contact us at **513-381-3579** www.scottmullinslaw.com

Which Insurance Will Cover Medical Bills from a Car Accident?

If you've been injured in a car accident, you already know that medical bills add up quickly. What you might not know is who is going to pay for the expenses. Is it the auto insurance of the person at fault or your auto or health insurance? The answer is that all those methods may be used to pay medical expenses, but when you can use which insurance can get a little confusing.

If you carry personal injury protection insurance (PIP) on your auto insurance policy, and it is mandatory in some states, it will cover expenses in an auto accident no matter who is at fault; coverage includes injuries, rehabilitation, and lost wages. If you have PIP, you will generally have to use those funds before you can use health insurance.

If you do not have PIP, use your health insurance. Do not wait for the at-fault driver's insurance to pay for your medical expenses. An investigation takes time, and an insurance company will only offer a settlement after a thorough investigation, which could take months or years—longer than the window in which you must submit medical bills to your healthcare insurance company. A fair settlement will include your out-of-pocket expenses, such as deductibles and copays. Do keep in mind that once you receive a settlement, your health insurance company will likely require reimbursement for the coverage that they provided.

Have you been injured in an auto accident and have questions? Call our office for a confidential consultation.

Going to the ER? Check Your Insurance!

It's late at night, you develop a fever, your chest is congested and feels like it is on fire, and you are having trouble breathing. You may just be coming down with a nasty bug, but you aren't sure, and you are scared. Your doctor's office is closed, so you have a family member drive you to the emergency room. After all, it's better to be safe than sorry.

For some people, this could be a very costly decision. Your late-night checkup could be denied by your insurer if they say that your illness/accident wasn't truly an emergency. The bill could be hundreds—or even thousands—of dollars.

In order to cut down on frivolous use of the ER, insurance carriers, such as Anthem Insurance Company, are starting to deny ER claims. The denial is not based on the symptoms that send someone to the ER, but on their diagnosis. So, you may have gone to the ER fearing pneumonia, but if you are diagnosed with a cold, you can expect to pay the bill. Likewise, if you have a headache and are slurring your speech, you might fear a stroke, but be diagnosed with an ear infection. Again, you'd pay for that ER visit based on the diagnosis—even though the symptoms fit a stroke, which is deadly.

There are exceptions. For example, Anthem says it will pay for an ER visit for those under age 15, those who do not live within 15 miles of an urgent care, a person instructed by a physician to go to the ER, out-of-state visitors, or if a visit occurs on Sunday or a holiday. A company spokesperson said in an interview that someone with chest pains, even if it turns out it is indigestion, would indeed be covered. The stroke/ear infection example cited above is a true story, and the claim was denied by Anthem. But the insurer did pay when the claimant reported the issue to her state's insurance regulator.

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How To File a Lawsuit on Behalf of a Child



Kids get hurt; it's a given. But what if they are seriously injured and it was due to the negligence of another person or business? For example, if a child suffers serious head trauma and permanent scarring due to a collision at a skatepark, it's easy to write it off as "kids being kids." But, if the park was understaffed and allowed too many skaters/skateboarders in the area where your child was hurt, you likely could file a claim for their injuries. The park may be considered negligent because it broke its commitment to provide a safe environment for children to skate or skateboard.

Children have the same rights as adults to be compensated

Children have the same rights as adults to be compensated for damages if they've been injured, but they cannot file a claim.



for damages if they've been injured, but they cannot file a claim. A parent or legal guardian must file a lawsuit on their behalf. Depending on the severity of injuries, the damages could include pain and suffering, scarring or disfigurement, disability, and loss of current (in the case of a teen who works part-time) and/or future income.

What about compensation for medical expenses? Because medical bills and related expenses are paid by a parent, insurance company, or,

in most cases, a combination of the two, parents must file a separate claim for medical expenses.

If you have any questions about the process of filing a lawsuit on behalf of your child, call our office for a confidential consultation.

Self-Defense: 'Stand Your Ground' Laws

"Stand your ground" laws were created so that people could respond to threats of imminent harm or death with force, without fearing criminal prosecution for self-defense. Florida passed the first stand-your-ground law in 2005. Other state laws stipulate that one has a duty to retreat from a threatening situation (if they are able); after doing so, if the threat continues, they can respond with force.

States are equally split between duty-to-retreat and stand-your-ground laws, but states are free to use restrictions as they see fit, and interpretations of the law vary. For example, some stand-your-ground states do observe a duty to retreat if lethal force is used. States that recognize the castle doctrine say that there is no duty to retreat if you are in your private home or office. Some states require that the use of force be proportionate to the threat perceived and that the individual using self-defense did not start the altercation.

So, what is the problem with stand-your-ground laws? Some think that they can be used to justify homicide and create a shoot-first mentality. States such as Florida put the burden of proof on the prosecution. In other words, if someone shoots someone and claims self-defense, the prosecution must prove otherwise. Others say stand-your-ground laws are especially dangerous for minorities, who are often judged by violent racial stereotypes.

In 2012, Trayvon Martin, a 17-year-old black student, was killed by George Zimmerman, a neighborhood watch member, in Sanford, Florida. Martin, who was unarmed, was walking to a relative's house from a convenience store. Zimmerman saw the teen and called 9-1-1. According to the transcript of the call, he said the neighborhood had recent break-ins and he felt Martin "was up to no good." Zimmerman was instructed not to approach Martin. Despite the instruction, Zimmerman confronted Martin, an altercation broke out, and the teen was shot dead. Because of Florida's stand-your-ground law, Zimmerman was found not guilty in the shooting death.

Last summer, Michael Drejka was charged with the shooting death of Markeis McGlockton, a 28-year old black man, in Clearwater, Florida. McGlockton, accompanied by his girlfriend, Britany Jacobs, and his children, had parked illegally in a handicap spot. After McGlockton went into the store, Drejka approached the vehicle and began to yell at Jacobs. McGlockton, who returned from the store to find Drejka confronting his girlfriend, shoved Drejka to the ground. Drejka pulled a gun and shot him, although McGlockton began to back away as soon as he saw the gun and was more than 10 feet away from the shooter. Drejka was originally not charged in the incident because of Florida's stand-your-ground law; however, he was later charged with manslaughter.

DRUGGED DRIVING



The three “D”s of illegal driving are drunk, distracted, and drugged. Thanks to well-meaning public-relations campaigns, we hear quite a bit about the first two but not so much about drugged driving.

According to the National Survey on Drug Use and Health (NSDUH), in 2016, 20.7 million people age 16 or older drove under the influence of alcohol in the previous year, and 11.8 million drove under the influence of illicit drugs. As more states relax marijuana laws and wrestle with methamphetamine and prescription-medication addiction, this number is bound to increase.

While marijuana may be gaining acceptance for medicinal and recreational applications, it is still a deadly mix with driving. According to the NSDUH, it slows reaction time, impairs judgment of time and distance, alters attention, and decreases coordination. Methamphetamines can cause aggressive and reckless driving, and prescription sedatives can cause drowsiness and impaired reaction. Unlike alcohol, many states have zero tolerance for driving drugged, meaning a driver can be charged for any amount found in their blood or urine.



Will New Asbestos Regulations Put the Public at Risk?

Asbestos exposure has been directly linked with chronic lung disease and deadly conditions including mesothelioma and cancers of the larynx, lungs, and gastrointestinal tract. Those with highest risk of exposure worked in the construction, automotive, shipping, manufacturing, and mining industries prior to the mid-1970s.

Given the history, it was stunning that the U.S. Environmental Protection Agency (EPA) enacted the Significant New Use Rule (SNUR) in June 2018, which critics say will make it easier for asbestos to be used in new consumer products. Scientists and health officials say that no amount of asbestos exposure is safe, and there are no safe “new” uses for the product. According to a *New York Times* article published in August of 2018, EPA policy analysts and scientists voiced their concern that SNUR, which claims to strengthen oversight of asbestos, will ultimately lead to more use of the materials.

According to the Asbestos Disease Awareness Organization, asbestos-related diseases kill 39,000 Americans a year. Symptoms can take up to 40 years to show, and many victims were exposed through secondhand sources, such as cleaning the laundry of those exposed to asbestos at work.

Watch Your Step

As winter transitions into spring, some people let their guard down while walking, but freezing temperatures and icy conditions can still be a menace. Plus, the aftereffects of cold weather can result in uneven sidewalks, shifting outdoor tiles, and parking lots full of potholes.

A bad slip usually does nothing more than cause a moment of embarrassment, but such accidents also cause broken bones, torn ligaments, herniated discs, and spinal cord injuries that can require a significant amount of treatment and therapy. A serious injury may also result in lost work and wages. If you slip and fall due to someone else’s negligence, you may be able to recover damages.

In order to prove fault in a slip-and-fall accident, you must show that:

- ◆ The owner or employee caused the condition or hazard that resulted in the slip.
- ◆ The owner or employee was aware of the condition and did nothing.
- ◆ The owner or employee should have been aware of a hazard or condition through reasonable property management and repaired or removed it.

This spring, watch your step and please don’t text and walk. Stop somewhere safe if you have to look at your screen.



Stroke Misdiagnosis

Seconds and minutes count when a person has a stroke. A stroke blocks the blood supply to the brain; without oxygen, brain damage or death can occur quickly.

Medical professionals are trained to spot the signs of stroke quickly so that lifesaving, clot-busting drugs can be given. Symptoms of stroke include slurred speech, paralysis or weakness on one side of the body, and diminished mental and motor skills. Without medical intervention, a stroke victim—whether his or her symptoms are misdiagnosed or aren't given immediate attention—will likely have permanent brain and nerve damage or die.

If medical staff fail to diagnose a stroke or fail to treat it in a timely manner, they could be sued for medical negligence.



KNOW THE SYMPTOMS OF STROKE

FAST action by a loved one can save a life! If you think someone could be having a stroke, ask them to do a few simple tasks.

Face: Smile and see if one side of the face droops.

Arms: Raise both arms. Does one arm drop down?

Speech: Say a short phrase and check for slurred or strange speech.

Time: If the answer to any of these is yes, call 911 right away and write down the time when symptoms started.

Source: webmd.com



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REFERRALS

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If you have legal matters that need attention, please let us know. If we do not specialize in that area of law, we will refer you to a firm that does.

Please feel free to refer us to your family, friends, and neighbors for their legal needs. We welcome the opportunity to help.



CALL US. YOU'RE GOING TO FEEL A WHOLE LOT BETTER ABOUT THINGS.

TAX SCAM ALERT!

If you think paying taxes is painful, just consider how stressful it would be if your tax returns got into the wrong hands. Each year, the U.S. Internal Revenue Service compiles a Dirty Dozen list of tax scams and warns taxpayers to remain vigilant about these aggressive and evolving schemes throughout the year. Here are just a few dirty techniques fraudsters will use to try to access your information:

➤ **PHISHING:** Taxpayers should be alert to potential fake emails or websites looking to steal personal information. The IRS will never initiate contact with taxpayers via email about a bill or refund.

➤ **PHONE SCAMS:** Phone calls from criminals impersonating IRS agents remain an ongoing threat

to taxpayers. The IRS has seen a surge of these phone scams in recent years as con artists threaten taxpayers with police arrest, deportation, and license revocation, among other things.

➤ **RETURN PREPARER FRAUD:** Be on the lookout for unscrupulous return preparers. There are some dishonest preparers who operate each filing season to scam clients, perpetuating refund fraud, identity theft, and other scams that hurt taxpayers.

➤ **INFLATED REFUND CLAIMS:** Taxpayers should take note of anyone promising inflated tax refunds. Preparers who ask clients to sign a blank return, promise a big refund before looking at taxpayer records, or charge fees based on a percentage of the refund are up to no good.

Source: IRS news release