

14 QUESTIONS ANSWERED AFTER A PEDESTRIAN ACCIDENT

We asked our staff and lawyers what were the most frequently asked questions they received after our clients were injured in a pedestrian accident. We felt like putting together a list of these questions and answers would serve as an efficient way to educate our clients. We hope that this list will assist you in your time of uncertainty. We wish you the best for a speedy recovery and a successful pedestrian accident claim.

FREQUENTLY ASKED QUESTIONS

1. **How Long Will This Take?**
2. **Why Do I Need to Start a Claim On My Insurance When I Was Not At Fault?**
3. **Can I Keep Talking To My Car Insurance Company?**
4. **Who Pays For Gas to Get to My Doctor Appointments?**
5. **What Happens If I Miss Work?**
6. **Should I See My Primary Care Physician?**
7. **Why Do I Need to Go To a Chiropractor?**
8. **It Hurts When I Get an Adjustment. Do I Have to Keep Going?**
9. **What Happens If I End Up Not Being Seriously Hurt?**
10. **Who Is Going to Pay My Medical Bills?**
11. **When Will You Know If There's Insurance Coverage?**
12. **What Happens If There's Not Enough Coverage to Pay My Bills?**
13. **What Do I Have to Pay the Attorney If There's No Coverage? Or If We Don't Win?**
14. **How Much Money Will I Get?**

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1. HOW LONG WILL THIS TAKE?

There is no way to accurately predict how long your pedestrian accident case will take because it depends on factors outside of our control. But, there are some general rules of thumb.

- If your injuries are soft tissue in nature and you only get conservative treatment, your case should be ready for a demand within 6 months.
- If your injuries require any type of injection, then add at least 90 days to the treatment period.
- If your injuries require surgery, surprisingly, most claims can end pretty quickly because the insurance company knows it's a big case and will pay. But, in order to get to a surgery, most of our clients first exhaust conservative treatment and then a series of injections. So, you could be looking at several months of medical treatment just to get to the point of deciding to get the surgery.

2. WHY DO I NEED TO START A CLAIM ON MY INSURANCE WHEN I WAS NOT AT FAULT?

Your car insurance provides PIP insurance for your injuries even though you weren't driving. You need to start a claim with your own car insurance company because Florida is a no fault state. This means that you have PIP insurance that must pay out 80% of your first medical bills up to \$10,000. In order to get these bills paid, you will need to open the claim. It does not mean that you will be penalized or that your rates will go up. You have paid for this insurance coverage and it is required to be used.

3. CAN I KEEP TALKING TO MY CAR INSURANCE COMPANY?

We do not advise that you speak to your insurance company about your injuries. There may be a time for them to get the information about your injuries, but we like to control the flow of that communication.

4. WHO PAYS FOR GAS TO GET TO MY DOCTOR APPOINTMENTS?

We are able to provide you with a mileage reimbursement form to keep track of your mileage to and from your doctors appointments. However, you will not be reimbursed \$1 for \$1. To be reimbursed for mileage as you incur it, you would have to use your PIP (personal injury protection) coverage. Remember, this is the same layer of coverage your doctors are using to pay for your first \$10,000.00 in medical treatment. Because of that reason, we typically advise our clients to save their mileage to the end of the case to be included in their pain and suffering from the at fault carrier.

5. WHAT HAPPENS IF I MISS WORK?

Reimbursement for lost wages is very similar to mileage reimbursement. However, in order to get your lost wages reimbursed through your PIP carrier, you must have a signed disability note from your doctor stating that you are unable to perform the duties of your job and a wage and salary verification form completed by your employer. Lost wage reimbursement through PIP is paid out at 60% and again, is using the same money allocated for your medical bills. Because of this reason, we instead suggest keeping track of any lost wages you incur to be included in your demand package to the at fault insurance carrier. You must keep track of every hour that you miss or every job that you cannot perform. Documentation is the key to recovering money for lost wages.

6. SHOULD I SEE MY PRIMARY CARE PHYSICIAN?

No. First, primary care doctors do not usually take pedestrian accident cases because the billing is to PIP, not health insurance. They are simply not set up for it. Second, PCPs do not specialize in pedestrian accident injuries, so they often simply tell their patients that they will be fine with rest and time. Third, PCPs do not properly document their files. This means that when you submit those records to the insurance company for damages, your case will be worth less. We recommend that you see a specialist instead. We can refer you to trustworthy doctors who are familiar with your type of injuries.

7. WHY DO I NEED TO GO TO A CHIROPRACTOR?

To be clear-you are never required to go to any particular doctor. But, for most soft tissue cases, we recommend starting with a chiropractor for a few reasons. Chiropractors specialize in pedestrian accident injuries, so they have undoubtedly seen your injuries before. They are also very good at therapy that is helpful for back and neck injuries. They know how to write reports that will help your claim. And, because they deal with so many pedestrian accident injuries, they will know the other doctors to send you to if your situation calls for it. We have found that chiropractors are very good “quarterbacks” for our clients’ medical treatment.

8. IT HURTS WHEN I GET AN ADJUSTMENT. DO I HAVE TO KEEP GOING?

No. Chiropractors are not for everyone. While they normally do a good job at alleviating symptoms after the accident, the treatment doesn’t always work. If you are not comfortable or are having pain, then let us know and we can work to find another solution. It may be as simple as switching you to physical therapy or sending you to a pain management doctor. Please do not continue to go somewhere simply because you don’t want to disappoint us or you are worried that it will affect your case. Switching treatment because it is not working will not hurt your claim.

9. WHAT HAPPENS IF I END UP NOT BEING SERIOUSLY HURT?

This is a loaded question because the degree of being “hurt” or “injured” is so subjective for pedestrian accident claims. Our advice is to wait until after you have had your MRI to evaluate your situation. You would be surprised about how easily the discs in your spine are injured by the forces involved in a pedestrian accident. MRIs are very sensitive and can detect these injuries. Regardless, even if you do not have a serious injury, your case might still be valuable. Just follow your doctor’s advice and communicate with our office to come up with a plan.

10. WHO IS GOING TO PAY MY MEDICAL BILLS?

The first \$10,000 of your medical bills after the pedestrian accident will be paid by PIP insurance. If you own a car or live with a relative who owns a car, that insurance company is considered primary. If you do not own a car and/or don't live with a relative who owns a car, then the car that hit you will provide the PIP coverage. PIP applies even though you weren't driving a car at the time of the accident.

How the medical bills are handled after PIP is exhausted is often a case by case decision. It will depend on the type of insurance that you have, the type of injuries, and the amount of the insurance available to go after. Sometimes, we advise you to get treatment on a letter of protection, or LOP. If your treatment is paid by health insurance, there will be a lien that you have to repay after your settlement. Liens can be tricky, so we try to avoid them.

11. WHEN WILL YOU KNOW IF THERE'S INSURANCE COVERAGE?

Finding out the amount of insurance available is very important to us. We send out letters of representation to the insurance company the day that you sign the contracts with us. We then follow-up within a day or two to get a verbal answer on how much insurance there is. So, we will usually have a pretty good handle on the amount of insurance within a few days. Getting this information quickly is important because we want your medical bills to be in line with the amount of insurance.

12. WHAT HAPPENS IF THERE'S NOT ENOUGH COVERAGE TO PAY MY BILLS?

In this scenario, we should know very early on if there's a problem with your bills. Rest assured, your bills will not be a problem because our office allowed you to run up those bills when the insurance was not available. We watch your bills closely in order to protect you. Most likely, you would have had large bills from the hospital. In these situations, we encourage our clients to settle their claims and then negotiate directly with the medical provider. Often, once the provider learns that there isn't enough money to pay their bills, they will write them off or reduce them significantly. Of course, you can always choose not to pay the bills too. We will always advise on what we believe is the best plan of action for you. We will not leave you hanging.

13. WHAT DO I HAVE TO PAY THE ATTORNEY IF THERE'S NO COVERAGE? OR IF WE DON'T WIN?

If there is no insurance coverage, we don't have a claim or a case. This is a situation that we sometimes face because Florida does not require bodily injury insurance in order to register a car. The silver lining is that you will not owe our office anything. You do not owe us a fee and you don't have to reimburse the money that we spend on costs. We understand that not every case will result in a recovery, so that is the risk that we take when we agree to take your case. However, rest assured, that we will do everything in our power to find insurance and recover money for you.

14. HOW MUCH MONEY WILL I GET?

We struggle with this question early on because it is so difficult to answer. We need to get an idea of what your injuries are and how much your bills can be reduced to. Please understand that if you are asking this question early on in the case, no pedestrian accident lawyer can ever answer this accurately. If they do, they are either misleading you or don't know what they are doing. Know that in almost every injury claim, the attorney's fees come off the top, then there is usually some amount of money that is used for medical bills, and then you get the rest. We never settle claims knowing that you will get nothing in your pocket unless we have had many serious discussions about the situation in advance. Not getting anything in your pocket is very rare. We understand that every client wants their medical bills paid and to get

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