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**CHARITY SPOTLIGHT:  
MERCY CHILDREN'S CLINIC**

The Mercy Children's Clinic (MCC) is devoted to providing healthcare to all children of all socio-economic backgrounds, especially those without health insurance or who are enrolled in TennCare. The Clinic provides primary healthcare for thousands of children through the age of eighteen from 24 counties in the Middle Tennessee area.

For more information about The Mercy Children's Clinic, or to volunteer time or donate money to support the important services it provides to Middle Tennessee children, you can go online to [www.mercychildrensclinic.org](http://www.mercychildrensclinic.org), or call them at (615) 790-0567.

**A LITTLE LOCAL HISTORY**

History truly surrounds us here in Tennessee. I had to go to court in Columbia not too long ago, and once again I was tracing the steps of history as I did so.

James K. Polk, our 11th President, returned to live with his parents in Columbia after graduating from the University of North Carolina. On his return to Columbia, President Polk practiced law and started his political career by running for the state legislature.

The house that President Polk lived in during that time is still in existence today and is open for tours. Known as the James K. Polk Ancestral Home, it is the last home President Polk lived in that is still in existence (other than the White House). His final residence, a man-

sion in Nashville, was torn down in the early 1900s.

From those humble beginnings as a Columbia lawyer, President Polk went on to serve in the Tennessee legislature, in the U.S. House of Representatives, as Governor of Tennessee, and ultimately as President of the United States.

As President, Polk was a key figure in our nation's Manifest Destiny, and vast territories along our Pacific coast and the Southwest were added during his Presidency.

**-Jim Stocks**

"THE GENIUS OF THE UNITED STATES IS NOT BEST OR MOST IN ITS EXECUTIVES OR LEGISLATURES, NOR IN ITS AMBASSADORS OR AUTHORS OR COLLEGES, OR CHURCHES, OR PARLORS, NOR EVEN IN ITS NEWSPAPERS OR INVENTORS, BUT ALWAYS MOST IN THE COMMON PEOPLE."

— WALT WHITMAN



**ATTORNEYS:**

- B. Keith Williams
- Jason G. Denton
- James R. Stocks

**THE PEOPLE'S VOICE**

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**NURSING HOME ABUSE**

Well, here we go again. It seems like just yesterday I was writing about the dangers posed to our elderly parents and grandparents living in nursing homes from the nursing home industry's attempts to limit lawsuits over nursing home abuse and neglect. Unfortunately, they're up to their old tricks again.

Once again this year, instead of simply improving the quality of their service as the best way to avoid lawsuits, the powerful nursing home industry has put another bill before the legislature seeking to limit the amounts abused or neglected patients can recover to compensate them for their harm and teach the industry a lesson.

A look at the sad facts surrounding Tennessee's nursing home industry shows that the industry is simply trying to protect its enormous profits while doing nothing to improve the lives of Tennessee's nursing home residents. For example, did you know the following statistics:

- Tennessee ranked near the bottom nationally (47th out of 50 states) in the Center for

Medicare and Medicaid Services (CMS) nursing home report.

- 53% of Tennessee nursing homes ranked below-average for overall quality by CMS.
- 30% of Tennessee nursing homes received the *lowest possible ranking* (1 star).

•Tennessee's immediate jeopardy violations have increased by three times over the last 3 years.

- According to a GAO report, 25% of health and safety violations were missed by Tennessee's health inspectors.

Despite these deplorable numbers, TN's nursing home industry refuses to increase staffing to improve care.

We know that increased staffing improves care because changes in Florida's staffing requirements showed us. For example, since it increased its requirements in 2001, Florida has seen:

- A 60% decrease in immediate jeopardy violations.
- A 71% decrease in insufficient staffing citations.



- A 43% decrease in adverse incidents reported by nursing homes.

Florida also shows us that better care is the true way to decrease lawsuits. Notices of intent to sue filed in Florida are down 63%, and actual lawsuits filed are down 71%.

The reason the industry won't change, however, is profit. A look at the numbers bares that out. Between 2000 and 2008, the Dow Jones Industrial Average was down 15%. Over the same timeframe, one of the biggest nursing home companies, National HealthCare Corp saw its stock price rise 850%, its net income rise 326%, and it earned \$598 Million in revenue last year. To help protect our elderly, call your state legislators and tell them to vote no on this dangerous bill.

—B. Keith Williams

**PRACTICE AREAS**

- Auto Accidents
- Aviation Accidents
- Construction Accidents
- Dangerous Products
- Medical Malpractice
- Motorcycle Accidents
- Nursing Home Abuse
- Personal Injury
- Trucking Accidents
- Vehicle Rollovers
- Workers' Compensation
- Wrongful Death

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## RECALLS—RECENT ITEMS RECALLED

While this is not a complete list, here are a number of the most recent items that have been recalled in the last several months for various reasons.

**Ergorapido, Pronto and Precision Vacuums**, distributed by Electrolux Home Care Products Inc. and sold nationwide between November 2007 and March 2009, due to bursting batteries.

**Zebco Advanced Youth Fishing Rod & Reel combo sets**, sold nationwide from August 2007 through December 2008, due to excessive levels of lead on the spinning reels.

**Baby Necessities Pacifiers with blue heart-shaped mouth guard**, imported by OKK Trading, and sold nationwide in dollar and discount stores from August 2007 through January 2009, due to choking hazard.

**Fischer Price 3-in-1 High Chairs**, sold exclusively at Target from December 2008 through March 2009, due to fall hazard.

**Solar System and DNA Kits (educational craft kits)**, manufactured by FloraCraft Corp and sold at WalMart, Michaels, Jo-Ann Stores, Hobby Lobby and other retailers nationwide from January 2003 through February 2009 due to violation of the fed-

eral lead paint standard.

**Sycamore Pro Gas Generators**, sold at various dealers in several states including Kentucky between May 2008 and October 2008 due to fire hazard.

**State Farm Good Neighbor Bears**, bears given away free by State Farm agents and at State Farm events from September 2005 through March 2007, due to choking hazard.

**Kubota Zero Turn Riding Mowers**, certain models sold at authorized Kubota dealers nationwide between February 2008 and December 2008, due to fire hazard.

**Kiddie XL Fire Extinguishers**, sold at department, home, and hardware stores nationwide from October 2007 through April 2008 due to potential loss of pressure and failure to operate.

**Style Elements Cool Shot Turbo Hair Dryers**, sold at Big Lots stores nationwide beginning in July 2008 due to electrocution hazard.

You can visit [www.cpsc.gov](http://www.cpsc.gov) for more specific information about these and other recalled items.

## AUTO INSURANCE:

### COLLISION AND COMPREHENSIVE COVERAGE

Over the last several issues of the *People's Voice*, I have written about the various types of automobile insurance coverage and how much coverage we should consider purchasing to protect us and our families. In the last article, I wrote about uninsured/underinsured motorist coverage.

This article will touch on two other types of coverage: "collision" coverage and "comprehensive" coverage. Most of us have probably heard those terms before but have little idea what they cover and whether they are necessary in our own situations.

#### Collision Coverage

Generally, collision cover-

age will pay for the damage to your car resulting from your car colliding with an object, such as a tree or another vehicle.

This coverage is usually a relatively expensive one. When deciding whether to purchase this type of coverage, there are a number of things you should consider, including:

Does your lender or lessor require you to have this coverage? If not, you should consider if this coverage is worth the cost.

How old is your car and what is it worth? If it is worth relatively little, you might pay more in premiums than you would ever get from a claim. Remember, the insurance

company isn't required to replace your car. So if it costs more to repair the car than it is worth, they will just pay you its value instead, even if it isn't enough to buy another car.

#### Comprehensive Coverage

Comprehensive coverage is what pays for damage to your car from almost all other sources, including fires, vandalism, severe weather, floods, and theft. It also covers broken glass.

This coverage is usually less expensive than collision coverage.

Again, when deciding whether to purchase comprehensive coverage, consider whether your lender or lessor requires this coverage, and consider whether the cost of the coverage makes sense given the value of your car.



Also, for both collision and comprehensive coverage, consider what level of deductible makes sense for you. A higher deductible lowers the cost of the coverage, but it also means you will pay more out of pocket before the insurance company has to pay should something happen.

—Jim Stocks

## WORKERS' COMPENSATION ISSUES

I have written past articles about your rights as an injured worker. The most important right is your right to reasonable and necessary medical treatment. The right to medical treatment starts as soon as you are injured and does not end until your health recovers to as good as modern medicine allows. Getting healed to the furthest extent possible should be *your goal!*

Unfortunately, many employers and the workers compensation insurance industry have a different take on the issue of your recovery and health. Rather than giving you the best medical care for your work injury, the new trend is to provide just enough medical care so that employers and workers compensation insurance companies can claim they followed the law.

*Workers' compensation insurance companies, employers and the defense attorneys have only one goal: REDUCING THEIR RESPONSIBILITIES* owed to workers injured on the job in Tennessee. They work toward that goal from the beginning, when you first report your work related injury. Here are a few pointers to help block the workers' compensation insurance companies, employers and their defense attorneys from accomplishing their goal:

1. Take responsibility to educate yourself on your rights before you make any decisions. Research what the law says about your employer's responsibilities and research the doctors before you make a choice. Use the internet and other people as your source; call us and we will get you to an experienced workers' compensation attorney that will be glad to speak with you. Take on the responsibility to be educated and informed.

2. Carefully read every question on the new patient intake form. Answer all questions truthfully and accurately. If you are confused by the question do not be afraid to leave it blank until a nurse or doctor explains to you what it means and why the information is required.

3. Do not sign anything without reading it *twice*. Do not take the nurse's or doctor's word for what they say it means, read it yourself. You never know when you may be signing away rights or protections under the law.

4. Ask every doctor you see what the purpose is for the appointment. If the doctor's response has the words "Independent Medical Evaluation (IME)" or "Second Opinion" on treatment options, then stop the appointment and leave.

5. Ask the doctor questions like: a) Are you going to order an MRI or CT scan to help evaluate my injury?; b) Do you have any videos or reports from private investigators employed by the employer or insurance company?; and c) Ask that before you start each visit the doctor inform you of whether the doctor has been given any information or has had any communication with your employer or any representative of or for the workers' compensation insurance company.

6. At the beginning of each appointment ask for a copy of the doctor's medical notes and records from the last appointment. Also ask for a copy of any and all reports from X-Rays, MRI, or CT Scans.

7. Make sure that any mistakes or misinterpretations in the doctor's notes are brought to his attention and ask that the incorrect information be corrected as soon as possible. Some of the really bad apples use nice words to call you a liar. If you see the words "symptom magnification," "objective studies or findings do not equal subjective complaints" or "patient is participating in or there is secondary gain," then ask the doctor what

those words mean and if he/she thinks you are lying. Call him/her out on it.

8. Make sure the doctor gets your medical history correct. The same potential for misinterpretation and manipulation exists when giving your medical history. Here's an example: you hurt your back at work. The doctor asks if you have ever had any back pain or problems. In response, you honestly report that six (6) years ago you pulled a muscle in about the same place while at home lifting a bag of dog food, and that after one visit with the doctor and some muscle relaxers you were fine. However, your words get twisted when the doctor documents what you said as "Patient reports that the same area of the back was injured while lifting dog food at home. The patient reports receiving treatment of his/her past back injuries."

9. Tell the doctor that you are invoking your rights to patient privacy and that you do not consent for him/her to have ANY communication with ANYONE about your medical treatment unless you are present during the communication.

10. Seek the advice of an experienced workers compensation attorney early and follow good advice.

Remember the goal of workers' compensation insurance companies, employers and the workers compensation defense attorneys is to REDUCE THEIR RESPONSIBILITIES owed to you as an injured Tennessee worker. This goal exists because they put profits and money before your health. Block them from accomplishing that goal by taking the responsibility for your health and recovery seriously. Use some of the suggestions above and seek advice from an experienced workers' compensation attorney early.

—Jason G. Denton

