

ATTORNEYS:

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

THE PEOPLE'S VOICE

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COMAIR UPDATE

In the last issue of *The People's Voice* newsletter, I wrote briefly about the tragedy that occurred on Comair Flight 5191 in Lexington, Kentucky. While nothing can undo the tragic loss of loved-ones, hopefully the surviving family and friends can now turn a page in that tragic chapter of their lives now that the lawsuit is over.

As it turns out, none of the Plaintiffs ended up actually going to trial as scheduled. There were originally 45 cases in federal court in Kentucky. I was one of 6 attorneys chosen to be on the Plaintiffs' Trial

Team, who were to actually try the cases had they not settled. We definitely burned the midnight oil preparing in the months before trial, and we were ready.

In the end, however, a number of factors seemed to help with resolution of the cases, including several pretrial rulings by the Judge that were in the Plaintiffs' favor, as well as the Judge's orders requiring the various parties to engage in multiple mediation sessions before trial started. After a lot of work by all parties involved, the final case set to be tried settled shortly before the start of trial.

It is my hope that the Plaintiffs obtained the justice they desired and that their efforts will help in some way to prevent similar tragedies in the future. I am proud to have done my part in advancing those goals.

—B. Keith Williams



MEDICAL TREATMENT ISSUES IN WORKERS' COMP.

When dealing with medical treatment in workers' compensation situations, the ultimate goal for all parties involved is to restore your health back to the pre-injury status. The medical world calls this Maximum Medical Improvement or what is commonly referred to as "MMI".

As with all things in life,

time changes all. In 2004, major changes in the workers' compensation statute limited the amount of your recovery for workers' compensation injuries. Unfortunately, the insurance carriers did not stop there. The insurance companies have found another way under the laws to limit your benefits.

As I mentioned in the last

issue of *The People's Voice*, you are entitled to reasonable and necessary medical treatment as an injured worker. Workers' Compensation law requires that the Workers' Compensation insurance carrier provide you with an authorized treating physician, commonly known as an "ATP". The carrier selects the ATPs and puts three of

PRACTICE AREAS

- Auto Accidents
- Aviation Accidents
- Commercial Aviation Liability
- 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—HVAC AND INDOOR APPLIANCES

Autumn is in the air, and with it cooler temperatures. With cooler temperatures and more time spent indoors, now is a good time to check on any recent recall alerts for the various heating and other indoor appliances that will be used more frequently with the onset of cold weather.

While it is not a complete list, here are a number of the most recent items that have been recalled for various reasons.

PB Heat, LLC Boilers, various models sold nationwide between May 2007 and July 2008.

Wolf Appliance Gas Ranges, sold nationwide between January 1998 through June 2008.

Countertop Water Dispensers, various models manufactured by Greenway Home Products and sold nationwide between June 2006 and November 2007.

Air Conditioner/Heat Pump Units, various models manufactured by Goodman Company L.P. and sold nationwide between February 2007 and June 2008.

Kenmore and Kenmore Elite Coffeemakers, various models sold nationwide between August 2007 and April 2008.

IntelliSwitch Fireplace Wall Controls, various models sold nationwide between January 2007 and January 2008.

SoleusAir Space Heaters, sold through QVC between December 2007 and March 2008.

Hulk Hogan's Ultimate Grill, Model Number PZ-3012 sold by QVC and Tristar Products, Inc. via the website hulkhogangrill.com and television commercials between May 2007 and August 2007.

Portable Electric Heaters, imported/distributed by Aloha Housewares, Inc. and sold

nationwide at Walmart and other small retail chain stores between August 2006 and November 2007.

Pressure Cookers, imported by Mantra, Inc. with Model/code number 38270, sold nationwide between June 2003 and April 2007.

You can visit www.cpsc.gov for more specific information about these and other recalled items.

AUTO INSURANCE: IS MINIMUM COVERAGE ENOUGH?

This is the first in a series of articles I will be writing dealing with purchasing insurance coverage to best protect you and your family. Many people just buy auto insurance to meet state requirements without really knowing what they are buying and what protection they are getting.

I know this because I used to be the same way. This is the wrong strategy to take, however. You must be informed and make wise decisions when purchasing insurance.

This article will touch specifically on how much basic automotive coverage you need to have. I remember when I was a teenager and had my first car, I purchased

the bare minimum coverage that was required by state law.

Looking back, that was a pretty reckless thing to do, but I was young, uninformed, and thought there were more important things to spend my limited money on. Today, there is no way I would even consider doing that.

Why not? Well, the minimum coverage required in Tennessee today is \$25,000 bodily injury per person maximum, \$50,000 bodily injury per accident maximum, and \$10,000 property damage per accident maximum. While these numbers might sound like a lot of money, they really aren't

when you think about how much medical treatment costs today.

Medical treatment for even minor to moderate injuries can very easily surpass the \$25,000 per person maximum. I have seen many serious accidents with medical bills in the hundreds of thousands of dollars. And that only deals with medical expenses. The persons you injure would also be entitled to pain and suffering, lost wages, and other similar damages that can total far more than the medical costs themselves.

If your coverage is not enough to meet these damages, the persons you injured can come after you personally



to recover whatever your insurance did not pay. That means they can go after your house, your bank accounts, your vehicles or other possessions, and even garnish your wages at your job.

With all this in mind, you should think about how much you stand to lose in the event you are involved in a serious accident. Consider buying as much insurance as you can afford.

—Jim Stocks

CAUTION ABOUT MEDICAL DISCOUNT CARDS

With health insurance getting more and more expensive and harder and harder to obtain, many companies and salespeople are trying to profit by offering what they make sound like—but isn't—low-cost health insurance.

Instead, they are actually offering what is called a medical discount card. These cards are often sold with a large initial sign-up fee and then a monthly fee, and

promise certain care from participating health care providers. However, many of the programs reportedly have problems, such as exaggerating the savings provided or having only a small number of providers who accept the discount card. Some purchasers have even found that they bought cards that actually have no benefits at all.

While some cards do offer legitimate discounts and honestly represent

what they provide, not all do. The bottom line is you should be careful before purchasing any such discount card, research the offer, understand the savings, and verify what you are being told before you pay any money. Also, be sure you understand that, even with a legitimate discount card, you are not buying insurance. Make sure that any legitimate discounts the card offers are worth what you will be paying for the card.

-Jim Stocks

A LITTLE LOCAL HISTORY: MACON COUNTY DIVIDED

As a History double major in college, the Civil War captured my interest perhaps more than any other subject. Maybe it was the very personal nature of the war, which literally saw families torn

apart and fighting on opposite sides.

My own family history, in fact, has both Union and Confederate soldiers (the Union fighter was killed and is now buried at Stones-River Battlefield in Murfreesboro).

Macon County, it turns out, fit this mould exactly. Macon County divided almost exactly down the middle between the Union and Confederate armies, with approximately 500 men fighting for each side.

-Jim Stocks

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them on a panel, from which you are to choose one out of three. The carrier got to choose the doctors from which you could choose—so from the start it would seem that the carrier has the upper hand in picking doctors that will be cautious about recommending unnecessary treatment. That's not enough for the insurance companies, though!

For example, if the ATP—the doctor the *carrier* put on the panel—decides that you need an MRI, physical therapy, or surgery, the carriers' are using a new loophole to deny you that medical treatment. What I regret to report to you is that the law is helping them do it.

After the ATP orders the medical treatment or procedure, if the carrier does not like what the ATP says or has ordered, the carrier

elects to send the request out for what is called Utilization Review, commonly known as "UR". In UR, the carrier hires a third-party insurance company to second-guess their own panel physician. In my experience, 95% of our cases that go to the carrier's UR agent result in a denial of the medical treatment that was ordered by the ATP.

Once this happens, it is up to the ATP or you to appeal the denial. According to the Tennessee Department of Labor, you or the ATP must appeal the UR denial of medical treatment. Failure to timely file an appeal on a UR denial will prevent you from reaching MMI and getting reasonable and necessary medical treatment that you may be entitled to otherwise.

Therefore, as soon as you are notified that your MRI, physical therapy, or any other procedure has been denied, you must take action immediately. Your health depends on it.

This is a battle we fight for our clients on



almost a daily basis. By playing this UR game, carriers are able to not only save money by denying medical treatment, they are also able to stall an employee's recovery for permanent disability benefits, which are generally assessed only *after* an employee reaches MMI.

If you are facing a similar situation, it is important that you take immediate action, and consider seeking legal representation if you have not already.

—Jason G. Denton



CONTACT INFORMATION

LEBANON OFFICE	NASHVILLE OFFICE
137 Public Square	Nashville City Center
Lebanon, TN 37087	511 Union St., Suite 1850
(615) 444-2900	Nashville, TN 37219
	(615) 313-3999

EMAIL: info@keithwilliamslawgroup.com

WE'RE ON THE WEB!
KEITHWILLIAMSLAWGROUP.COM

“JUSTICE CONSISTS NOT IN BEING NEUTRAL BETWEEN RIGHT AND WRONG, BUT IN FINDING OUT THE RIGHT AND UPHOLDING IT, WHEREVER FOUND, AGAINST THE WRONG.”

— THEODORE ROOSEVELT

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CHARITY SPOTLIGHT: GILDA’S CLUB NASHVILLE

One of the most difficult things that most people will ever have to deal with is learning that they, a loved one or a friend has been diagnosed with cancer. The members of the Williams Law Group know this from firsthand experience.

A diagnosis of cancer is *not* an automatic death sentence, though. To the contrary, medical treatment is constantly advancing and increasing the rate of survival.

Nevertheless, learning that you or someone close to you has cancer is a very difficult thing to deal with...and often the attitude of the patient and his or her friends and family

plays an enormous role in how well he or she responds to treatment. For that reason, it is very important that all those affected when someone is diagnosed learn how to deal with it as best they can.

Those who have experienced cancer can attest to the truth of the above statement. In fact, it was those close to a famous cancer victim who established the Gilda’s Club charity to help those with cancer and their families and friends to support each other.

Gilda’s Club is named after the famous comedienne Gilda Radner, who was diagnosed with ovarian cancer in 1986. Gilda learned the importance

of emotional and social support in dealing with her cancer. After she attended a wellness community, Gilda called for making available similar places where men, women and children with any type of cancer, and their families and friends, could go for education, participation, hope and friendship.

After Gilda died in 1989, her husband and her therapist founded the first “Gilda’s Club” in New York City. The Nashville affiliate—Gilda’s Club Nashville—opened in 1998.

As the Gilda’s Club Nashville website states, when it comes to cancer, those going

through it are the experts. Gilda’s Club Nashville provides patients, family and friends with a way to connect with others going through the same experience to share experiences, provide social and emotional support, and participate in various activities and education. Gilda’s Club Nashville provides this free of charge.

For more information about Gilda’s Club Nashville, or to volunteer time or donate money to support the important Free Services it provides, you can go online to www.gildasclubnashville.org, or call them at (615) 329-1124.