

Personal Injury Patients and Their
Access to Medical Care:
*Who They Are and How Legislation
Affects Them*



What to Expect Today

- ▶ Introduction of Americans for Patient Access (APA)
- ▶ A Brief Introduction to Personal Injury
- ▶ Personal Injury Patients: Who Are They and Who Treats Them?
- ▶ When Considering Legislation, How Should Legislators Keep Personal Injury Patients in Mind?
- ▶ Q&A

APA: Who We Are

- ▶ Founded in 2018 to form an advocacy voice for personal injury patients and the medical providers who treat them.
- ▶ **Mission:** Promote and expand access for uninsured and underinsured patients to immediate and necessary medical care.
- ▶ **Purpose:** Through collaboration, education, marketing, and lobbying, APA informs federal and state lawmakers, policymakers, courts, and the public at large, of the benefits of underinsured and uninsured patients having access to quality medical care. APA also monitors and responds to efforts to limit, restrict, or expand access to necessary medical care for patients with limited financial means. Lastly, APA works to educate medical providers and members on the most effective solutions for providing access to necessary medical care.

APA: What We Do

- ▶ Advocate for personal injury patients and the medical professionals who treat them in all 50 states, the District of Columbia, and the Federal government.
 - ▶ APA is the *only* national association focused on providing a voice to personal injury patients and their medical providers
- ▶ Educate and engage medical providers and their representative specialty professional organizations on legislation and regulation that directly impacts the personal injury environment
 - ▶ Many medical associations do not have the bandwidth to monitor legislation that affects a small percentage of their overall membership. APA brings to the medical associations' attention legislation affecting personal injury patients and their providers in order to collaborate with them on behalf of their providers and the patients they treat.
- ▶ Provide resources for legislators and regulators to understand the personal injury space
 - ▶ Go to www.accessforpatients.org to download our white paper!

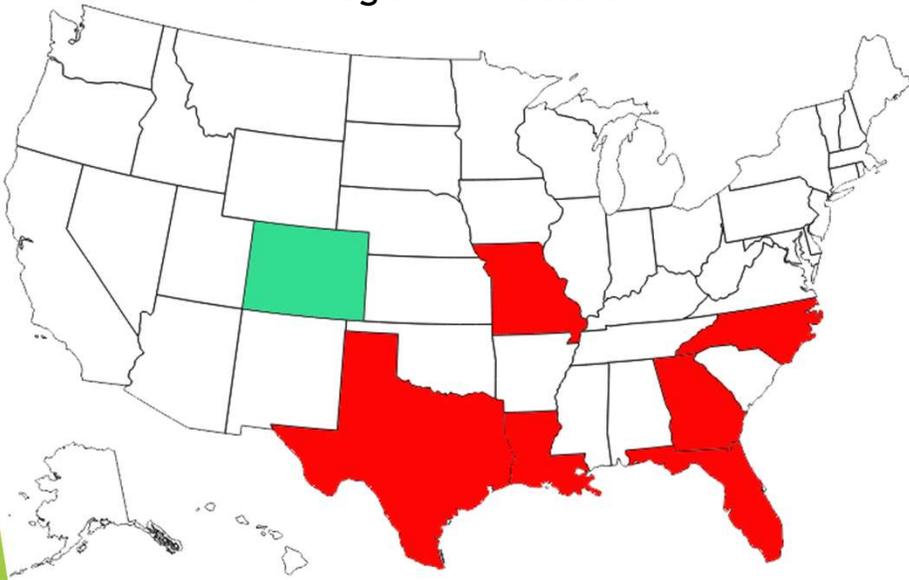
APA: Our Fight for Patients and Providers

Red: Negative Legislation

Yellow: Carve Out Acquired

Green: Positive Legislation

2021 Legislative Session

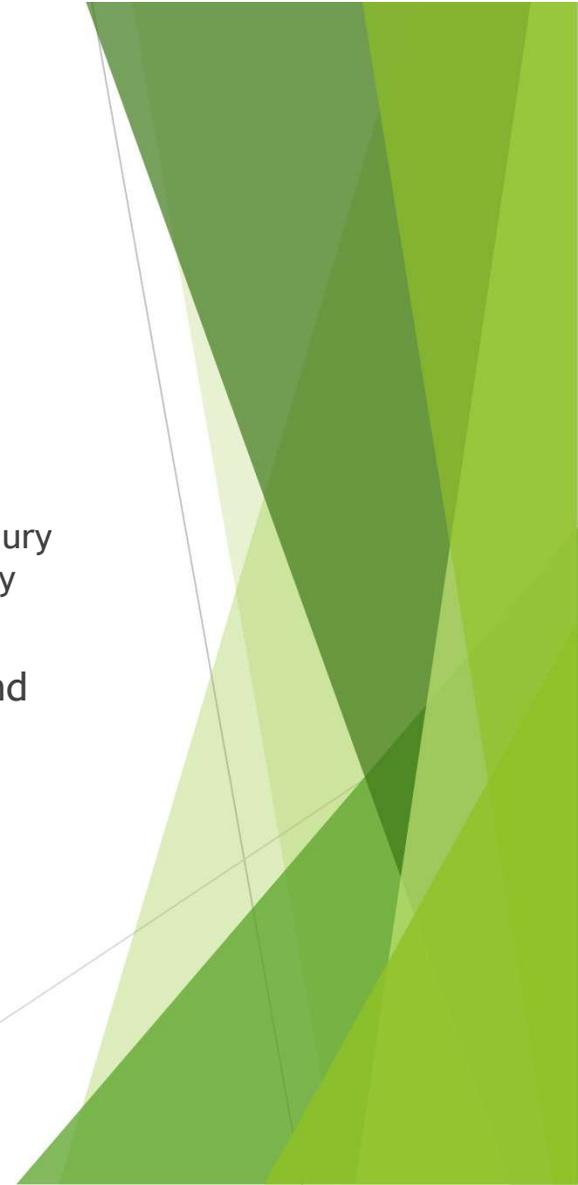


2022 Legislative Session



APA: Our Fight for Patients and Providers

- ▶ Due to the complex and niche nature of the personal injury space, our members and their patients are often mistakenly lumped in with organizations and industries that do not pertain to them.
 - ▶ So far in the 2022 legislative session, APA has seen the treatment of personal injury patients be part of legislation that aims to regulate B2C transactions, third party litigation funders, and Medicaid reimbursement, among many other topics.
- ▶ We now count over 15 priority issue areas that impact medical providers and patients' daily procedures.



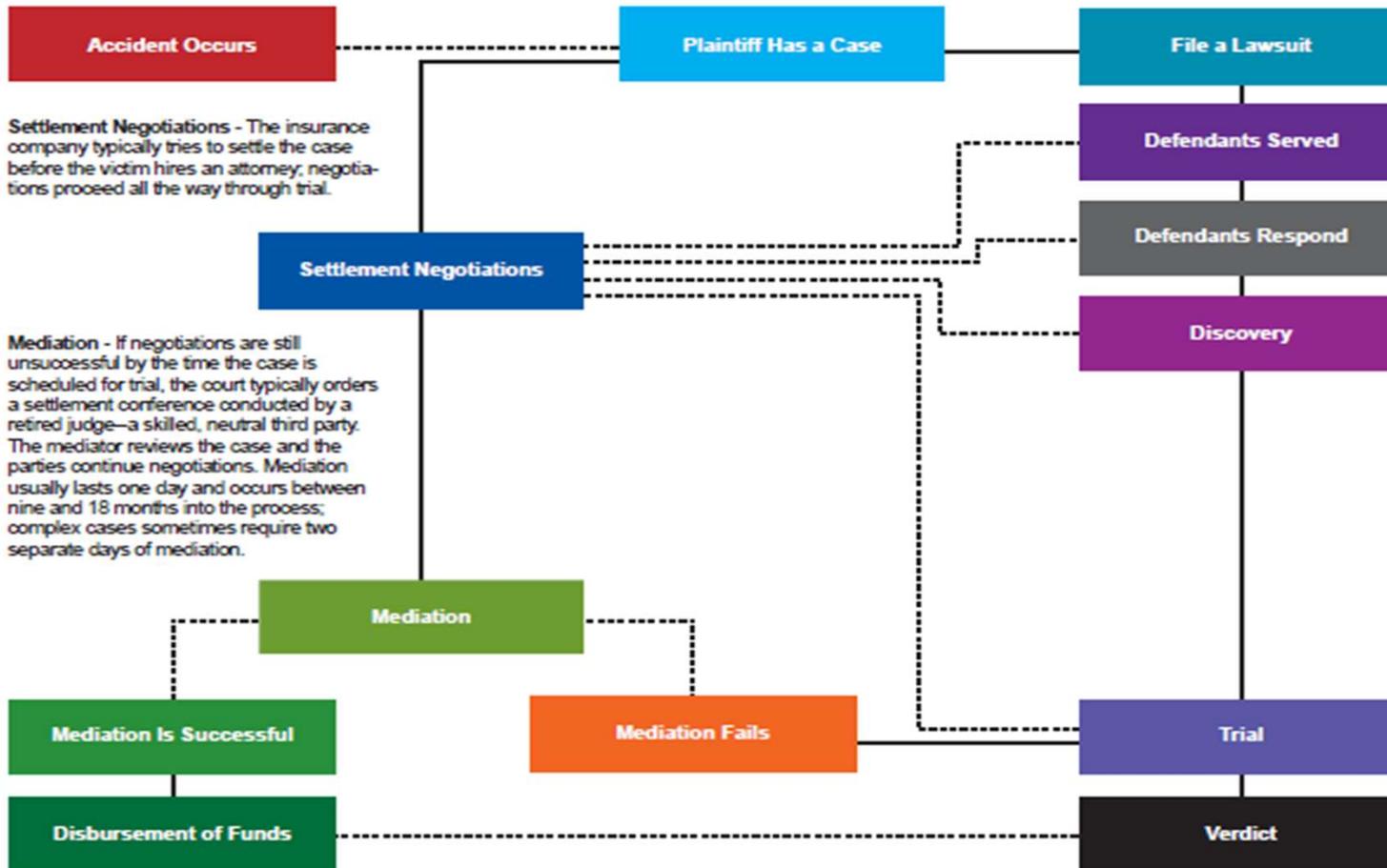
What is Personal Injury?

- ▶ “Personal injury law, also known as tort law, is designed to protect you if you or your property is injured or harmed because of someone else’s act or failure to act.” - American Bar Association¹
- ▶ Example: Someone doesn’t stop at a stop sign and crashes into your car. You are injured because of this. The laws covering your ability to seek payment from your or the other driver’s insurance company for your medical treatment costs, vehicle repair costs, lost wages, etc. are covered under personal injury.
- ▶ **Personal injury is common!**
 - ▶ Between 300,000 and 500,000 personal injury cases are filed each year²
 - ▶ 52% of those cases are from auto accidents²

¹ https://www.americanbar.org/groups/public_education/resources/law_issues_for_consumers/injury/

² [US Department of Justice, Bureau of Justice Statistics, Civil Justice Survey of State Courts, 2005](#)

The Personal Injury Legal Process



Settlement Negotiations - The insurance company typically tries to settle the case before the victim hires an attorney; negotiations proceed all the way through trial.

Mediation - If negotiations are still unsuccessful by the time the case is scheduled for trial, the court typically orders a settlement conference conducted by a retired judge—a skilled, neutral third party. The mediator reviews the case and the parties continue negotiations. Mediation usually lasts one day and occurs between nine and 18 months into the process; complex cases sometimes require two separate days of mediation.

Disbursement of Recovery Funds - Any financial recoveries are typically disbursed to the victim within 30 days of a jury verdict or successful mediation.

Lawsuit Filed; Defendant(s) Served - The courts typically require papers get served on the defendants 30 - 60 days from the date when the lawsuit is filed.

Defendant(s) Respond - The defense has 30 additional days from date of service to file its response. It's common for defendants to ask for an additional 15-day grace period.

Discovery typically involves:
Written Questions - Questions are sent out by both parties within 60 days of the lawsuit. Each side gets assistance from its attorneys and typically has 35 days to respond.

Medical Examination - It's common for the defense to require the victim to be examined by one of its own doctors. An attorney should be present during these examinations.

Oral Depositions - Both sides ask questions of key persons in the case. Attorneys for the defendant(s) interview victims and witnesses, and the plaintiff's attorneys depose the defendant(s). Although a deposition is less formal than court testimony, a court reporter is present and statements made can be used at trial. Depositions require a great deal of preparation by both sides.

Trial - Trials usually take between four days & two weeks. Simple non-jury trials can take as little as one day, but complex cases can take as long as two months. Jury deliberations can take a few hours to several days.

The Personal Injury Legal Process

- ▶ The process, regardless of whether the claim settles or not, takes an average of 18 months to complete.
- ▶ While all of the legal procedure is occurring, personal injury patients are recovering from and being treated for their physical injuries.

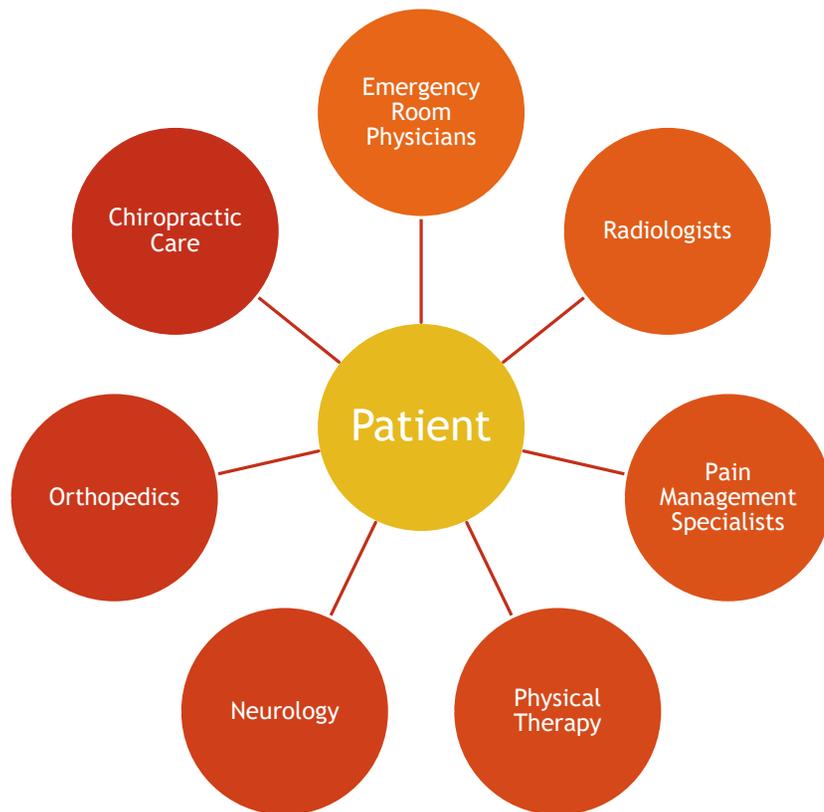


Personal Injury Patients: Who Are They?

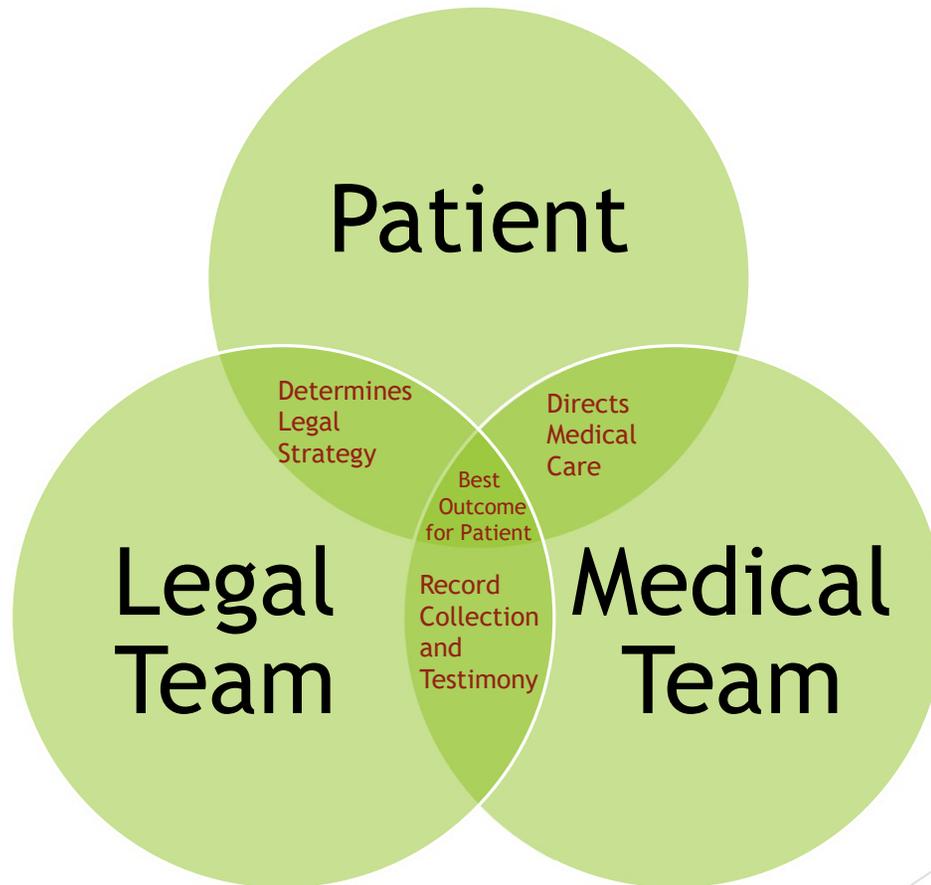
- ▶ Everyone!
- ▶ Uninsured and underinsured persons are personal injury patients, too! They deserve the same access to medical care as any other patient.
- ▶ As of 2020, the CDC's National Health Statistics Report showed that 31.6 million people of all ages were uninsured - 10% of the US population.⁴
 - ▶ 31.2 million people were under the age of 65⁴
- ▶ Communities of color most heavily represent the uninsured and underinsured population.⁴
- ▶ All personal injury patients, regardless of their insurance status, must be able to receive quality medical care.

⁴ National Health Statistics Reports, Number 169, February 11, 2022

Who Treats Personal Injury Patients?



Communication in a Personal Injury Case



When Considering Legislation, How Should Legislators Keep PI Patients in Mind?

- ▶ Will this legislation ultimately increase personal injury patient access to medical care?
- ▶ What impact will this legislation have on medical providers who treat personal injury patients?
- ▶ Is this legislation fair and equitable for both the plaintiff (patient) and defendant, or does this legislation add undue burden on the personal injury patient during the legal process?
- ▶ Ask questions and seek to understand the personal injury environment!

Questions? Contact Us!

- ▶ Ask us questions and engage with us!
 - ▶ APA Associate Director, Leigh Maltby: lmaltby@accessforpatients.org/262-496-2734
- ▶ www.accessforpatients.org