

LEGAL UPDATE

A publication provided for the friends and clients of QRG

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LIMITED TORT MYTHS

By Joyce Novotny-Prettiman, Esq.

Understanding your auto insurance policy can be a challenge. Most people rely upon information they hear in the news, "war stories" of their friends, or advice they receive from others when making insurance decisions rather than reading the language in their insurance policy. Practically speaking, you unfortunately learn the most about your insurance policy by making a claim after an auto collision. Since your insurance coverage for an accident is fixed as of the time the accident occurs, these lessons are learned too late.

One of the most misunderstood insurance concepts is the limited tort option, a part of Pennsylvania auto insurance law since 1990. Limited tort severely limits your rights to recovery for injuries caused by an accident. According to the most recent statistics, 51 percent of Pennsylvania policyholders selected the limited tort option in 2004. While the limited tort option does provide a savings on premiums, the trade-off can be devastating. Make no mistake that the decision to select full tort or limited tort is a very important decision.

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COURTHOUSE CENTENNIAL CELEBRATION



On January 31, 1908, construction of the Westmoreland County Courthouse was completed and a dedication ceremony was held. This magnificent structure features an Italian Renaissance style dome that towers 175 feet above Main Street. The exterior of the Courthouse is constructed of hand-cut granite and sandstone. The interior has mahogany and oak trim, Italian marble walls, mosaic tile floors and a beautiful central marble staircase.

On Friday, September 14, 2007, the County had the first of two celebrations to commemorate the 100th anniversary of this building. The Courthouse Centennial Committee is planning another open house and reception to be held on Saturday, January 26, 2008. This reception will give the general public an opportunity to tour the courthouse and to learn about its many uses, past and present. For people who have not had the opportunity to spend any time under the "dome", you will not be disappointed by spending an evening discovering the hidden treasures of this grand structure we are very fortunate to have in a county of our size.

Please watch the local newspaper or contact the Westmoreland County Courthouse for more information about the upcoming celebration.

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The LEGAL UPDATE is prepared by the staff of QRG for its friends and clients. The UPDATE sets forth general principles and should not be acted upon without specific advice.

CHIP PROGRAM EXPANDED

Good news! The Children's Health Insur-



ance Program (CHIP) has recently been expanded. Now, all uninsured children up to age 19 in Pennsylvania have access to health insurance coverage. CHIP provides health insurance through private health insurance companies to all uninsured children who are not eligible for medical assistance.

Now that CHIP has expanded, there are no income limitations. Household income determines the cost for CHIP. For families whose income is below 200% of the federal poverty guidelines, CHIP is free. Low cost CHIP is available for families whose income ranges between 200% and 300% of those guidelines. Families with incomes above that amount can obtain CHIP coverage by paying the full monthly premium, about \$160 per child.

For many families, CHIP is free. Other families who qualify for low or full cost CHIP (but not free CHIP) must also provide verification that the child has been without insurance for six months, unless the child is under two years of age, has lost health insurance due to the loss of job of a parent, or is moving to CHIP from another public health insurance program.

Once enrolled, participants are guaranteed one year of health insurance coverage, after which they must renew their coverage in order for benefits to continue. Benefits cover medical and hospital bills, prescriptions, dental and vision care costs, and much more. CHIP is also available to non-parents who have legal custody of children.

There is no waiting list for enrollment in CHIP, but you must apply! The application is available either online at www.compass.state.pa.us or by calling 1-800-986-KIDS (5437).

In addition to the CHIP program, Governor Rendell has proposed expansion to provide coverage for about 800,000 uninsured adults. In a time when insurance costs are rising for both employers and employees, and more Americans are not covered by health insurance programs, expansion of the CHIP program is good news for Pennsylvanians!

QRG IN THE COMMUNITY

At the Westmoreland Mental Health Association's 44th annual dinner, Attorney **Vince Quatrini** received the Fred Funari Award of Distinction. This award is given to those who advocate for or raise the community's level of consciousness of persons with mental illness. Vince was selected for his years of advocacy on behalf of the members of the community who suffer from mental, emotional, and psychological impairments. In other news, Vince was recently appointed to a two-year term as Chair of the Community Foundation of Westmoreland County. The Community Foundation awards grants to a wide variety of charitable organizations and encourages local residents to make philanthropic gifts. Vince previously served a four-year term as founding Chair.



QRG was one of the sponsors of the Ligonier Valley Business and Professional Women's Luxury Bash recently held at Antiochian Village. This annual event benefits the club's scholarship and charitable funds. Amy Hildebrand of Derry (*pictured at left*) was the winner of two Steelers tickets along with other prizes donated by QRG.

Attorney **Richard Galloway** was recently elected Secretary of the Board of Directors for the Pennsylvania Bar Institute (PBI). PBI provides continuing education programs for lawyers in all areas of practice.

Attorney **David DeRose** recently participated in the American Heart Association's annual Heart Walk held at the Kennametal fitness track in Latrobe. David was joined in the walk by the family of Attorney **Joyce Novotny-Prettiman**, including her sister, Maryanne Sowinski, and her children, Raymond, Monica and Luke Sowinski. This event exceeded its goal by raising over \$125,000.



QRG once again participated in the annual Senior Fair hosted by Rep. Thomas A. Tangretti. Held at the Kirk S. Nevin Arena in Greensburg, the event attracts hundreds of seniors and over 90 state agencies and local businesses. Attorney **Jim Horchak** and legal secretary **Patty Apone** of QRG are pictured above.

LIMITED TORT MYTHS

Continued from page 1

Here are some misunderstandings about limited tort:

"But the accident was not my fault!"

The limited tort selection stays with you regardless of who is at fault for an auto accident. When you select limited tort, the fact that the other driver is totally at fault is meaningless in regard to your ability to bring a claim for your pain and suffering and similar damages.

"If I have good personal health insurance coverage, I don't need full tort."

This is a bad reason to choose limited tort. Limited tort has nothing to do with the payment of medical bills after an accident. In the meantime, your selection of limited tort completely cuts off your right to sue for pain and suffering, scarring, inconvenience or loss of pleasures— all of which have no connection to your medical bills.

"If I have Medicare, I don't need full tort."

Once again, your eligibility for Medicare coverage is in no way connected to the choice between full and limited tort. Medicare covers your medical bills and those bills fall under the category of out-of-pocket damages which are treated equally under full tort and limited tort.

"I have never had an auto accident."

Many times, we see people who are injured in a car accident only months after changing from the full tort to the limited tort option. It does not matter if you have carried full tort coverage for 20 years. If you change to limited tort, you are bound by that selection if the accident occurs after you make the switch.

"I have full coverage."

It often turns out that clients confuse coverage which protects their car with coverage that protects them personally for bodily injury. Make sure you tell your agent that you want "full tort coverage", not just "full coverage".

The only time that limited tort does not prevent you from being compensated for the pain and inconvenience that you have been through is when you have suffered absolutely catastrophic injuries. For example:

- you are killed as a result of a motor vehicle accident
- your injuries from the accident cause permanently disfiguring scarring
- your injuries cause serious impairment of a body function

You also gain back your right to be compensated if you are hit by:

- a driver convicted of drunk driving for this accident
- a vehicle registered in another state
- an uninsured driver

You should not leave your auto insurance coverage to chance. Your selection of limited tort binds not only you but your family members, including your children. If you bring in your policy, we can quickly tell you if you have the right coverage.

A lower premium for bad coverage is not a bargain.

QRG COMMUNITY PARTNERS

*Over the years, we have formed relationships with many community leaders, businesses and organizations. From time to time we will feature articles from people and organizations in our community about subjects which we feel may enrich your life. In this issue, we are featuring the **ACHIEVA Family Trust**, a non-profit organization that manages resources and provides day-to-day guidance for disabled persons and their families. Attorney Kathleen D. Hendrickson has been affiliated with ACHIEVA for 15 years, serving as a volunteer, as outside counsel, and currently as President.*

HELPING THE DISABLED WITH MONEY MANAGEMENT

By Kathleen D. Hendrickson, Esq.

Do you have a disability? Does someone you love have one?

If so, you know the importance of government programs like medical assistance and Supplemental Security Income (SSI). To a person with a life-long disability, these programs are essential for housing, medical care, prescription drug coverage, respite and in-home support.



But these programs may not be available to people with disabilities who have too many "assets". Assets can be savings or checking accounts, retirement accounts, savings bonds or cars. Sometimes assets totaling as little as \$2,000 can mean the loss of SSI and medical assistance.

Often, a person with a disability was advised to spend down all excess assets to keep SSI and medical assistance. It didn't matter if the person needed something or not – the assets just had to be spent to avoid losing important government benefits.

However, spending down is not the only option. The Social Security Act allows people with disabilities to use two different kinds of trusts – Pooled Trusts and Payback Trusts. These trusts allow funds to be safeguarded until the person with a disability needs something "extra" that government programs do not provide.

Additionally, family members can set aside money for a disabled loved one in a specialized trust. This kind of trust can be established for disabled children at any time during their lives. For example, a trust can be created when a child with a disability is born, so grandparents, parents and others can make gifts to that child over time. Alternatively, family members may make provision for a trust in their wills.

Previously, family members had to disinherit their disabled loved one so that SSI and medical assistance benefits would not be lost. This is no longer true. With careful trust planning, family members can have peace of mind knowing that they have done everything they can to provide for a more secure financial future for their loved one with a disability.

Sometimes people think that trusts can only be used by wealthy people. That is not the case; trusts can be established with surprisingly small sums that can grow over time.

In addition to assisting with the financial challenges in these situations, ACHIEVA Family Trust adds case management and social work expertise to the traditional role of a corporate trustee to increase the level of service provided to the disabled. The attorneys at Quatrini Rafferty Galloway work with ACHIEVA Family Trust to evaluate benefits and determine whether a trust is appropriate to help ensure the continuation of those benefits.

For more information, visit the ACHIEVA website at www.achieva.info, or contact either Attorney David DeRose or Attorney Jim Horchak at Quatrini Rafferty Galloway.

JOHN KOVACS: A WORKERS' COMPENSATION SUCCESS STORY

For 15 years, John Kovacs worked as a tool and die finisher for a local company. He often worked for weeks in a row making the same piece, using the same arm motions. As a result, he developed pain in his right shoulder and elbow. He continued working until the increasing pain made work impossible. After seeing the company doctor and trying different types of therapy with no success, he lost his job.

Instead of filing for unemployment compensation as his employer suggested, he decided he needed an attorney to help prove that the problems with his arm were work-related. As he was trying to find a lawyer, John kept hearing Vince Quatrini's name from friends and even people he did not know. John, a deeply committed Christian, believes that God led him to Vince. After consultation, Vince suggested that John seek additional medical treatment. John had successive surgeries on his shoulder and elbow, both followed by months of healing and rehabilitation. His shoulder and elbow can be painful if he overuses them, and he has learned to restrict his activities to prevent pain.

John's 15-year career had ended, and it was followed by over two years of workers' compensation proceedings, during which he says the insurance carrier "owned" his life, trying to discount his claim. He felt that Vince truly cared for him as a person, and continually fought for him. John endured examinations by physicians and unproductive job interviews, all mandated by the insurance company. After lengthy and difficult negotiations with the insurance company, Vince was able to secure a favorable settlement for him. This settlement at last enabled John to move on with his life.

In 2004, John opened his own business, Precision Auto Body, in Mount Pleasant. He worked at his own pace, testing his physical limits. He gradually increased his working time and began to be able to build his business. Vince referred him to the Office of Vocational Rehabilitation, where he was guided to the "I Can" program for established businesses. The program provided 80% of the cost of a framing machine which was adapted to his physical capabilities. Today, John's business continues to grow.

John's sincere belief is that God wants him to help others and hopes his story will inspire them. He wants to encourage others to work through the depression associated with a work-related injury to get to a new life.

THE DO NOT CALL LIST – ARE YOU ON IT?

Several million Pennsylvanians signed up for the Attorney General's "Do Not Call" list when it was announced in 2002. This list permits all of us to register up to seven phone numbers, including cell phone numbers, with the Attorney General to stop those unwanted telemarketing calls at all hours of the day and evening.



If you originally registered with the Do Not Call list in 2002, your registration needs to be renewed. Each registration is valid for five years. The best way to determine your status on the list is to visit the Attorney General's website: www.attorneygeneral.gov. You may also call the Attorney General's Office at 1-888-777-3406 or write to the Attorney General at Strawberry Square, Harrisburg, Pennsylvania, 17120.

Please note that the law does provide several exceptions in which telemarketers may contact you, including: tax-exempt charitable organizations, businesses you've dealt with in the past twelve months, veterans' groups, and calls on behalf of political candidates.

You can act now to protect against unwanted solicitations.

QRG PERSONAL NOTES



Attorney **Michael Quatrini** and **Megan Grote** were united in marriage at St. Vincent Basilica on August 18, 2007. A reception at Carnegie Music Hall followed the ceremony. Michael and Megan honeymooned in Greece and now reside in Shadyside.

Congratulations to **James and Dora Conrath**, who recently celebrated their 50th wedding anniversary. They are the parents of legal secretary **Jodi Busko**.



Kelsey Sherbondy was recently crowned Ligonier Valley High School's 2007 Homecoming Queen at Weller Field during half time of the football game. Kelsey, a senior, is the daughter of paralegal **Brenda Sherbondy**. She is pictured at left with Homecoming King Tyler Ulery. *(Photograph taken by Beth Caldwell.)*

Amanda Kennison, daughter of legal secretary **Robin Kennison**, completed a summer internship for Westmoreland County Commissioner Thomas Balya. Amanda, a junior at Allegheny College, will be spending a semester studying at American University in Washington, D.C.

Raymond Sowinski was a member of the 2007 11-year-old Latrobe Little League All-Star team. This team, pictured at right, won the District 26 championship and went on to capture the PA Section 2 title, which qualified them to compete in the Western Regional Championship tournament. They were one of eight remaining teams competing to be the state champions. Raymond is the nephew of Attorney **Joyce Novotny-Prettiman**.



A new season for the traveling fast pitch softball team Evolution 12U has begun. **Cassidy Chappell**, daughter of paralegal **Rhonda Chappell**, plays shortstop and pitches for the team.



Lindsey Pritts, daughter of paralegal **P.J. Pritts**, played in a piano recital for the senior citizens at the Mt. Pleasant Senior Center on August 1. Lindsey is pictured here performing a duet with her piano teacher, Marty Hawk.

Paralegal **P.J. Pritts**, family and friends, participated in the Relay for Life held at the Laurel Highlands YMCA in August. Her team, the PAK Incredibles, raised over \$6,000 for the American Cancer Society.



On Sept. 13, 2007, many of the **QRG staff** completed an on-site AED/CPR training session conducted by P.U.L.S.E. (Pittsburgh United for Life-Saving Emergencies), a program administered by UPMC/St. Margaret's. Participants learned basic CPR techniques and practiced using an Automated External Defibrillator (AED). If you or your organization want to learn more about acquiring an AED, contact David Bianco at the St. Margaret Foundation, 815 Freeport Road, Pittsburgh, Pennsylvania, 15215, or call 412-784-5262.

WHAT'S A PEER REVIEW?

By Joyce Novotny-Prettiman, Esq.

After an automobile collision, your auto insurance company pays your medical bills. This streamlines the medical claim process and simplifies the task of getting your medical bills paid quickly. It does not matter who caused the accident – it is always your insurance company that has the primary obligation to pay your medical bills. Your insurance company must provide at least \$5,000 in medical coverage and should offer additional coverage up to \$1,000,000. (For more details, see the Fall 2006 issue of *The Legal Update* found on our website at www.qrglaw.com.)

Things do not always go smoothly. Many insurance companies begin to question your medical treatment shortly after you are injured in an auto accident. When this happens, the insurance company begins a process known as a "Peer Review" to cut off payment of your medical bills. This involves a review of your medical records by a physician who is hand-picked by the insurance company and may also involve a physical examination. When you are injured and need medical treatment to recover, this process can cause a great deal of stress.

Pennsylvania law requires that insurance companies follow specific requirements when conducting a Peer Review. If the correct steps are not followed and deadlines are not met, a Peer Review may be invalid. We challenge Peer Reviews for clients who have payment of their medical bills rejected based on such a review. A successful challenge to a Peer Review enables our clients to continue to receive the medical care they need.

Most times a Peer Review is conducted by a doctor who never sees the injured person; the reviewing doctor sees only medical records. If your doctor is willing to testify that your treatment is reasonable, it may be possible to defeat the Peer Review. You need to know that, as a patient, you can challenge an unfavorable Peer Review ruling. Also, you cannot be billed for medical treatment during the Peer Review. Finally, a medical provider cannot charge you the balance owed if a Peer Review determines that provider's charges should not be paid.

The following chart shows 2005 peer review statistics gathered by the Pennsylvania Insurance Commissioner. This chart shows the number of initial peer review determinations requested and the percent that number represents of total determinations.

<i>Insurance Company</i>	<i># of Determinations Initiated (% of all total determinations)</i>
Nationwide	1414 (28.3%)
State Farm	416 (8.33%)
Erie	414 (8.29%)
AIG	367 (7.35%)
Travelers	327 (6.55%)
Liberty Mutual	137 (2.74%)

If you find yourself in the situation where your auto insurance company has used the Peer Review process to cut off your medical benefits before you have exhausted the coverage you paid for, we will be happy to review your options with you.

TAX TALK WITH JIM

By James A. Horchak, Esq., CPA



Taxpayers who have signed, or will sign, a mortgage for their residence in 2007 may be eligible for a new deduction. The deduction is based on monies paid for private mortgage insurance. This insurance may be required by lenders when the amount borrowed is 80% or more of the fair market value of the property. Taxpayers who itemize deductions may deduct the cost of the insurance. However, there are limitations on these deductions for taxpayers whose adjusted gross income exceeds \$100,000 (\$50,000 for married couples filing separately). For those who qualify, this deduction will be taken on Schedule A. This deduction is applicable **only** in the 2007 tax year unless reinstated by Congress in future years.

MEET THE STAFF

MICHAEL VINCENT QUATRINI, ESQ.

We are proud to introduce the newest member of the QRG staff, Attorney **Michael Vincent Quatrini**, son of Attorney Vincent Quatrini and Patty Quatrini.

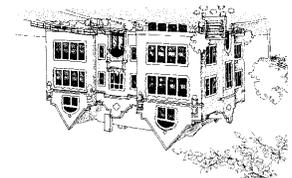
Michael received his B.A. in Political Science from Dickinson College in 2004 and his law degree from the Duquesne University School of Law in 2007. While at Dickinson College, Michael studied Italian in Bologna, Italy, interned for the Pennsylvania Supreme Court, served as a three-year member of the Student Senate, and was a three-time letterman on the Varsity Soccer Team. During his time at Duquesne Law School, Michael was a three-year member of the Student Bar Association and served as the President of the Student Bar during his third year. His duties as President included serving as the sole Duquesne representative to the Board of Directors for the Young Lawyers Division of the Allegheny County Bar Association. He also returned once again to Italy after his first year of law school, this time to study Canon and Roman Law in Rome. Additionally, Michael authored the section on "Bail" in the forthcoming update to Professor Bruce Antkowiak's criminal law manual, "Pennsylvania Criminal Procedure: Elements, Analysis, Application", and was appointed by the President of Duquesne University to serve on the University Advisory Committee.

Michael and his wife, Megan, both grew up in Unity Township and currently live in the Shadyside neighborhood of Pittsburgh. He is a member of the Pennsylvania Bar Association, Pittsburgh Urban Magnet Project (P.U.M.P.), and the Duquesne Law School Alumni Association. When he is not practicing law, Michael enjoys skiing, golf, boating, politics and, of course, watching the Steelers and Penguins.

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ATTORNEYS AT LAW
550 E. Pittsburgh Street
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