

QUATRINI RAFFERTY GALLOWAY

ATTORNEYS AT LAW

LEGAL UPDATE

A publication provided for the friends and clients of QRG

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WHY IS MY AUTO INSURANCE PAYING MY MEDICAL BILLS?

By Joyce Novotny-Prettiman, Esq.

After an auto accident, many of our clients are surprised to learn that their own insurance company pays their medical bills regardless of who caused the accident.

In Pennsylvania, all auto insurance policies must provide at least \$5,000 of coverage for medical bills, known as first-party coverage. You should check your policy to see how much medical coverage you have purchased. If you do not have personal health insurance, for example Blue Cross, HealthAmerica, or Medicare, you should consider purchasing no less than \$10,000 of medical coverage.

If your injuries require extensive treatment, you may use up the coverage available under your policy; this is known as "exhaustion of coverage." At that point, your personal health insurance (Blue Cross, etc.) will take over payment of your medical bills. If you do not have personal health insurance, your unpaid medical bills become

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COMPUTERS AND YOUR KIDS

There is no question that computers have become an important part of daily life in the 21st century. More of us are using them more often. The good news is that computers provide more opportunities; the bad news is that they also present more dangers as well.

"Do You Know Where Your Kids Are Clicking?", an article in the July 2006 issue of PC Magazine, illustrates dangers faced by children, who are among the heaviest computer users. The article highlighted the increasing use of social networking sites such as MySpace.com, Facebook, and Xanga, and the hazards to children posed by such use, including potential contact with sexual predators lurking online, cyberbullying, identity theft and exposure to pornography.

Know what your children are doing online! Talk to your kids about their activities online, and any dangers they may be facing. Report inappropriate activity to your internet service providers. One course of action internet safety advisers do not recommend is prohibiting all internet activity, since that is seldom successful and can encourage children to keep their internet usage a secret. Instead, experts recommend allowing internet usage, but with boundaries, such as placing a computer in a location with very little privacy and visiting websites with children to encourage appropriate "surfing". Computers have added another dimension to the challenges parents face, but informed parents can make internet access a safe and positive experience for their children.

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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.

WHY IS MY AUTO INSURANCE PAYING MY MEDICAL BILLS?

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part of your claim against the driver at fault. However, it may take months or years to recover this money, and in the meantime you must pay these bills out of your own pocket. That is why first party medical insurance coverage can be so important – your medical bills will be paid quickly by your own company and no time needs to be spent determining who is at fault.

In an ordinary automobile accident case, how do your bills get paid? Shortly after the accident, your insurance company will assign an adjuster and claim number to you. This information is all that your health care providers (doctors, hospitals, etc.) should need for billing purposes. The law in Pennsylvania limits the amount that health care providers can charge for various services, which helps to stretch your medical coverage. If a hospital or other health care provider is not informed that you have been in an auto accident, you may receive a bill for the difference between the amount charged and the payment made by your auto insurance carrier (often called a balance bill). You should not have to pay this charge; instead, you should call or write the health care provider to advise that this bill results from an auto accident.

Does this procedure remain the same if your car is not involved in the accident? Yes! If you are in a car owned by a friend or family member, or if you are a pedestrian injured by a car, your auto insurance pays your medical bills. If you don't own a car, who pays your medical bills? Any auto insurance policy that covers a relative with whom you live is the first source of payment. What if no one in the household owns a car? You would next turn to the policy of the vehicle you occupied at the time of the accident.

Payment for prescriptions can cause confusion. Some pharmacies require that you pay for prescriptions out of your pocket, and then seek reimbursement from your auto insurance carrier. If you do this, you will only receive an 80 percent reimbursement from your insurance company. It is better to shop around for a pharmacy that will agree to bill your insurance carrier directly, leaving you with no out of pocket expense.

Usually, the payment of medical bills proceeds smoothly. Sometimes, however, your insurance company does not pay the bills. A procedure known as a "Peer Review" allows an insurance company to question and refuse payment of your medical bills if the insurance company can show that the treatment is not reasonable or necessary. If the Peer Review results are in favor of the insurance company, the bills in question will not be paid. The doctor or hospital cannot bill you for any treatment that a Peer Review finds to be unreasonable or unnecessary. You can dispute an unfavorable Peer Review. We have often helped our clients successfully overturn the Peer Review. To do this, we file a lawsuit on your behalf against your auto insurance carrier. We usually request the help of the medical provider who was refused payment. If you and your doctor believe that a Peer Review is wrong, you should consider taking such action.

In handling automobile accident cases, we at QRG routinely endeavor to assure that all of the medical bills of our clients are properly paid by the appropriate insurance companies. If you have any questions about payment of your medical bills following an automobile accident, contact the personal injury department at QRG.

Attorney Joyce Novotny-Prettiman joined QRG in 1998 and concentrates her practice in personal injury and school law. She is a life-long resident of Unity Township, where she resides with her husband, Dan.



QRG SEMINAR NOTES

On October 4, 2006, the QRG Seminar Series resumed with a presentation on estate planning and related issues. Nearly 50 people attended the breakfast event, which was held at the Greensburg Sheraton Four Points Hotel. Attorney **David S. DeRose** discussed many topics, including the three essential documents needed in every estate plan. He also addressed nursing home and long-term care planning issues.

We are currently working on the next presentation for our Seminar Series – be sure to let us know what topics are of most interest to you for upcoming seminars.



Attorney **Vincent J. Quatrini, Jr.** was the course planner and moderator at a recent Pennsylvania Bar Institute seminar entitled "Litigating the Upper Extremity Case", where a panel of physicians and attorneys, assembled by Mr. Quatrini, discussed cases involving injuries to the wrists, elbows or shoulders. The presentations were held at various sites throughout Pennsylvania.

In June, Attorney **Barbara Artuso** was a member of a Pennsylvania Bar Institute panel which educated other attorneys on "The Basics" of a Social Security Disability and Supplemental Security Income claim. The seminar was presented at three locations around the state.

Attorneys **Joyce Novotny-Prettiman** and **David DeRose** presented an estate planning seminar at the Stewardship Fair at the Latrobe United Methodist Church. They discussed the importance of having a will at the time of death, as well as the need for other documents that address incapacity issues prior to death.



WHAT'S THE VERDICT?

By Richard H. Galloway, Esq.

The whole family loved Uncle Bob and Aunt Betty. When they announced they would celebrate their 25th wedding anniversary by going on a three-week cruise to Europe in 1965, everyone was thrilled for them. What a shock it was to learn that somewhere in the mid-Atlantic, Aunt Betty simply disappeared and was not seen again. Everybody assumed there was foul play and the attention quickly focused on Uncle Bob. When the ship docked in London, he was taken ashore and questioned for several days. Uncle Bob consistently maintained his innocence and professed his undying love for Aunt Betty. In the absence of any evidence, the authorities eventually let him go and he returned to his home in Mississippi where he spent the rest of his life a lonely and broken man until his death in 1991.

In October 2006, Jim and Irene Angel, a North Carolina couple now in their eighties, were getting ready to throw away some old luggage when they discovered an undeveloped roll of film in one of the bags. Once they had the film developed, they were surprised to find photographs from their 1965 cruise to Europe. One of the photos that Jim took of Irene showed her leaning on the rail on the third deck of the ship. In the distant background of the photo, a young man in a white coat could be seen dropping something over the railing that appeared to be the size and shape of a body. Remembering that a woman had disappeared on that cruise, Jim and Irene took the film to the FBI and an investigation ensued.

It has now been 41 years since Aunt Betty disappeared and her body was never found. If they can find the man in the photo, can the FBI prosecute him for murder?

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WHAT'S THE VERDICT?

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ANSWER:

The passage of 41 years is not a problem. Though the statute of limitations for most crimes is two or five years and bars any prosecution after that time, virtually every jurisdiction has no statute of limitations for murder.

There is no body to examine or talk about to the jury. So what about the *corpus delicti*? Most people misconstrue the meaning of *corpus delicti*. *Corpus delicti* literally means the body of the crime; it does not mean the body of the victim. The body of the crime is proven by showing independent evidence that a crime has been committed. Here, the photograph, if it is sufficiently clear, may show that a crime has been committed – that Aunt Betty was thrown from the ship and was never seen again. It is not necessary that her body be recovered, examined or the cause of death determined. The FBI can prove that Aunt Betty was thrown off the ship in mid-ocean and never seen again. Circumstantially, the jury can conclude that her death resulted.

It turns out that the FBI was able to determine that the young man in the white coat in the picture was named Jules Starboard. He had been dismissed from the cruise ship after repeated complaints that he entered passengers' cabins, after which money and other valuables were missing.

Jules Starboard, now 73 years old, is happily living in Tennessee, secure in the belief that after 41 years he's never going to have to worry about that lady he killed with a heavy metal water pitcher when she caught him in her room. But in about two days, the long arm of the law is going to reach out and grab Jules, and in a state of shock and fear he'll confess his long-held secret and spend the rest of his life behind bars.

Uncle Bob must be smiling.

QRG PERSONAL NOTES

Attorney **Richard H. Galloway** was recently elected Treasurer of the Pennsylvania Bar Institute, which is responsible for the continuing legal education of lawyers throughout the Commonwealth.

Zachary Taylor, son of paralegal **Kellie Taylor**, earned his Bobcat Cub Scout badge this past summer. He is now a Wolf Cub with Pack 351 in Derry.

Ryan Hudec, son of legal secretary **Patty Apone**, plays tight end and outside linebacker for the Mt. Pleasant Packers of the Mt. Pleasant Junior Football League. He also punts and kicks for the team, which had a record this season of 7-1. In the league's "Super Bowl" played on October 28, 2006, Ryan recovered a fumble with less than two minutes remaining in the game to ensure a Packers victory, 6-0.



On September 9, 2006, **Ronelle Picciano**, daughter of legal secretary **Debbi Picciano**, married Joshua Supanic in a ceremony at Ascension Church in Jeannette. The couple honeymooned in Aruba and are residing in Harrison City.

Ronelle is pictured receiving best wishes from her dog, Annie!

Kelsey Sherbondy, daughter of paralegal **Brenda Sherbondy**, was recently selected by her peers as President of the French Honor Society for the 2006-07 school year. Kelsey is a junior at Ligonier Valley High School.

Cassidy Chappell was recently selected as pitcher and shortstop for the fast-pitch softball team, Evolution. The team travels to play in tournaments in and outside Pennsylvania. Cassidy is the daughter of paralegal **Rhonda Chappell**.

SOCIAL SECURITY NEWS

The Social Security Administration has announced the annual Cost of Living Adjustments for 2007. Beginning on December 29, 2006, the checks of Supplemental Security Income recipients will increase 3.3%, to \$623.00 monthly. Social Security disability insurance recipients will see the 3.3% increase in their checks effective in January of 2007. This annual increase in benefits is generated automatically each year based on the rise in the Consumer Price Index.

PROTECT YOURSELF FROM THE UNINSURED DRIVER

By Richard H. Galloway, Esq. and Joyce Novotny-Prettiman, Esq.

If you are injured in an auto accident, you may have a claim for damages against the driver who was negligent in causing the accident. This is known as a civil claim because the conduct in question involves negligence, rather than an intentional act, which would be a criminal matter.

The civil justice system seeks to give society a peaceful and reasonable means of settling or trying civil claims. The goal of a civil lawsuit is to put injured parties where they would have been but for the difficulties caused by the motor vehicle accident. This can be a difficult task. Obviously there is no way to turn back the hands of time and restore an injured person to good health. The legal system attempts, ultimately through the jury trial system, to place a money value on such things as the loss of physical well-being, the loss of wages and earning capacity, the fear experienced during an auto accident, the loss of companionship when a loved one is seriously injured and many other items of damage.

The law has no way of assuring that an injured victim will actually collect the money that a jury awards. In most cases, auto insurance provides a fund from which settlements or jury verdicts are paid. Unfortunately, in some situations there is not enough auto insurance available. This is where uninsured and underinsured coverage may provide needed protection.

Mandatory Liability Insurance:

Pennsylvania requires you to carry no less than \$15,000 of liability insurance. Liability insurance pays for damages to others that result from a mistake you make which causes injury. Unfortunately, not all drivers comply with the law and carry liability insurance to compensate victims of their negligence—so you should protect yourself by purchasing additional coverage.

Uninsured Motorist (UM) Coverage:

How can you prepare for the risk of being injured by a driver with no insurance? The answer is to purchase uninsured motorist (UM) coverage as part of your auto insurance package.

Why is this so important? People who drive without auto insurance often do so because they lack the money to purchase a policy. This in turn usually means that they have no money to pay for your injuries and damages. A civil money judgment against an uninsured driver is virtually impossible to collect. Statistics show that many uninsured drivers are on the road. For example, according to a recent Insurance Research Council study, approximately 9% of the claims made in Pennsylvania arose from accidents where uninsured drivers were at fault. Nationwide, this statistic increases to 14%.

If you do not have UM coverage in this situation, there will be no funds to pay for the damages and injuries you suffer as the result of the uninsured driver's carelessness. Therefore, your auto policy should include UM coverage, in an amount no less than your liability coverage.

Underinsured Motorist (UIM) Coverage:

Even when a driver who causes an accident is insured, there may not be adequate liability coverage to pay for the significant losses you have incurred (remember, Pennsylvania requires only \$15,000). For this reason, you should purchase underinsured motorist (UIM) coverage. For example, if your injuries are valued at \$100,000 and the other driver has only \$15,000 of liability coverage, your UIM coverage can fill the \$85,000 gap, provided you have purchased UIM coverage of at least that amount.

UM and UIM coverages are not required by Pennsylvania law but, at QRG, we strongly recommend that you have these coverages. As always, you should call us with any questions about your auto insurance coverage. We will review your auto policy with you free of charge. There is no substitute for thoughtful preparation.

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 annual art competition for students with disabilities sponsored by the Westmoreland Intermediate Unit. The Champions of Art Festival includes an original art competition, a special showing where the entries are judged and a dinner celebration which features presentation of awards to the winning artists.

EIGHTH ANNUAL CHAMPIONS OF ART FESTIVAL

People with disabilities throughout Westmoreland County are busy creating works of art in anticipation of the eighth annual Champions of Art Festival. Champions of Art, an event sponsored primarily by the Westmoreland Intermediate Unit, celebrates the creative powers of Westmoreland County residents with disabilities.

Created in 1999 through the vision of Janet Mihalacki, an emotional support teacher for the Westmoreland Intermediate Unit, the Champions of Art process is unique. Each autumn a theme is developed, and people with disabilities, ages 5 through 63, throughout the county are encouraged to create and submit art centered around that theme. This year's theme is "Our Mother Earth". Annually, over 500 contestants submit their artwork for display, judging and sale. The profit from any art sold goes directly to the individual artist.

Our Mother Earth



**The Champions of Art Festival
Celebrating the Art of
People with Disabilities in
Westmoreland County**

Volunteers organize the art by category and age group, and frame each piece for display. An art preview is then held at Clairview School in Greensburg. At this event, held on November 7th and 8th this year, the artists, their families, friends and members of various organizations throughout Westmoreland County, come to view the art. Approximately fifteen judges sift through artwork from all age levels and categories, each selecting their favorites resulting in the award of over 90 prizes. Additionally, those who visit the show are invited to vote for the top three award winners in a special category, the "People's Choice". Works of art can be purchased if the artist has elected to sell his or her work.

The Champions of Art Festival concludes with a special dinner, this year on Thursday, December 7th at the Four Points Hotel. Beginning at 5:00 p.m., attendees can view the art. High school students dress as characters to add to the ambience of the evening. A unique calendar, featuring over forty pieces of this year's art, is offered for sale during the event.

The delicious buffet presented by the Four Points, the gathering of friends and families, and the recognition of each winning artist makes for a magical evening. All winning artists receive a free dinner, calendar, ribbons and trophies, and winners in the "Best of Show" category also receive cash prizes.

Since 2004, Quatrini Rafferty Galloway has been pleased to support this wonderful event by sponsoring one of the buffet stations. In addition, Attorney Barbara Artuso has served as a judge and, on the evening of the festival, presents some of the awards. Barbara notes, "It is so gratifying to see these artists, from a population which is not often granted recognition, be celebrated for their unique talents."

The Champions of Art Festival dinner is open to the public. If you would like to attend the dinner, contact Tana Butler at the Westmoreland Intermediate Unit, 724-836-2460, to reserve tickets.

TAX TALK WITH JIM

THE NEW ENERGY TAX CREDIT

By James A. Horchak, Esq., CPA



Homeowners may be able to take advantage of the new energy tax credit by purchasing an energy efficient product. The manufacturer of the product must provide a certification that it qualifies for the energy credit. The homeowner is eligible for the credit if the energy efficient product is installed on or before December 31st in the homeowner's principal residence. The only cost that qualifies for the credit is the actual cost of the product itself. Installation costs, including on-site preparation and assembly, do not qualify for the energy tax credit.

The energy credit is available only for the tax years 2006 & 2007 and the total credit for both years combined is \$500.00.

Some energy efficient items that you might consider purchasing to take advantage of this credit include water heaters, heat pumps, central air conditioners and furnaces. In calculating the energy tax credit, taxpayers can also claim ten (10%) percent of the cost of any of the following qualified energy efficient improvements, such as insulation, exterior windows or doors.

Remember that unlike a tax deduction, the amount of a tax credit is subtracted directly from your tax bill and could result in substantial savings. For additional details, contact me at 724-552-2745.

DID YOU KNOW...

... at Quatrini Rafferty Galloway, we provide thoughtful, caring and experienced representation in a wide variety of legal concerns to clients throughout Western Pennsylvania? The following list represents our primary practice areas:

PERSONAL INJURY
WRONGFUL DEATH
MOTOR VEHICLE ACCIDENTS
WORKERS' COMPENSATION
SOCIAL SECURITY DISABILITY
WILLS AND ESTATE PLANNING
ESTATE ADMINISTRATION
CRIMINAL DEFENSE
LONG TERM DISABILITY
REAL ESTATE
BUSINESS FORMATION
FAMILY LAW

We have been solving life problems for over thirty years. From birth to retirement to death, and everything in between, we can help you with legal issues you confront. Call us at our new toll-free number, 888-288-9748, or visit us at www.qrglaw.com to let us know how we can be of service to you.

ON THE AIR



Host Joe Gearing interviews Attorney Dennis Rafferty for one of our popular Legal Checkup shows, which has been extended through December 2006 on WCNS 1480 AM.

Tune in on Saturdays at 9:30 a.m. and hear shows featuring a variety of topics, including real estate, unemployment compensation, family law, and "legal mythbusters".

MEET THE STAFF

DENNIS B. RAFFERTY, ESQ. AND DIANE M. MILLER

Dennis Rafferty is one of the founding partners at QRG. He graduated *magna cum laude* from St. Vincent College and is an honors graduate of the University of Pittsburgh School of Law, where he was elected to the Order of the Coif. Dennis concentrates his practice in civil and criminal litigation and school law.

Dennis and his wife, Kathy, an award-winning local artist, reside in Unity Township. They have two daughters, Jessica, a law student at George Mason University, and Erin, a pre-med student at Old Dominion University. When not practicing law, Dennis enjoys competitive tennis and landscaping.

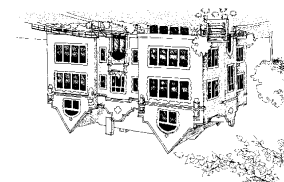
Diane Miller has been a legal secretary with the firm for three years. She works in the personal injury litigation department for Dick Galloway and Joyce Novotny-Prettiman. She graduated from Kiski Area High School, and lives with her husband, Bob, and their Doberman, Tyson, in Allegheny Township.

Diane enjoys golfing, watching football, playing card games, and spending time with friends and family. She and her husband are planning a vacation to Las Vegas in the near future.

Visit us at
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