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Will The Legislature Make It Easier To Buy Insurance?

I have long preached that the Texas Department of Insurance did consumers a disservice when it allowed insurance companies to offer non-standard policies.

It is hard to buy insurance. Policies are written in legalese so that even attorneys spend their lives fighting over the meaning of certain provisions or phrases. How is a typical consumer supposed to read and understand a policy when buying insurance?

That problem is now more important than ever. Several years ago, insurance companies offered standard policies. For example, in the homeowner's insurance context, 95% or more of all policies were standard HO-B policies. You could go to a number of different insurance companies, and they would all typically offer you the HO-B form policy.

While you might not understand everything that was in it, you were at least assured that the policies from the different companies were the same. That allowed you to take quotes from different companies and know that you were comparing apples to apples when you compared prices.

But then the Department of Insurance began allowing non-standard policies. So you can call three different companies, get three different policies, with three different prices. Because these policies are written by lawyers for lawyers, it's almost impossible to know which policy is the best deal and what type of protection you're really buying.

But maybe there's some light at the end of the tunnel.

As you probably know, the Texas legislature is in town for its bi-annual session. Last week, the Texas Senate Committee on Business and Commerce, chaired by Sen. John Carona, issued its

recommendations for the current legislative session. The committee recommended that the legislature adopt legislation that ensures that policyholders are offered a standard home insurance policy option.

I hope this legislation passes. If there was one lesson from the Bastrop fires, it is to make sure that you know what insurance you have and that you have enough insurance. This legislation will help make that easier.

- Brooks Schuelke



What Is The Best Way To Protect The Value Of A Personal Injury Claim (other than hiring a good lawyer)?

Completely and candidly talking to your doctor.

I see this situation every day, even with my own family. Patients get ready to go to a doctor's appointment. They have a long list of things they want to tell their doctor or talk about. But when they get there, it all goes out the window. For whatever reason, we're never comfortable talking to doctors.

"How's everything going?" the doctor asks. "Great" or "Fine" the patient responds.

Or sometimes, injured persons focus on an injury they think is more serious than other injuries. For example, if you're in a car wreck and break a leg, you may focus all of your complaints on the broken leg and fail to tell the doctor about other injuries, such as neck pain or bruising or tingling in hands or feet, that may turn out to be significant at a later date.

When these types of conversations occur, it costs you money and perhaps decreases the quality of your care.

Many personal injury claims today are not really handled by insurance adjusters; instead they're handled by computers. Adjusters input various data from your medical records, and then the computer spits out a settlement range for your case. Unfortunately, the adjuster has little ability to resolve the case out of that range.

If you're not willing to talk to your doctor about the symptoms you're having and the way that the injuries are affecting your life, then the doctor can't note that information in your records. And if the information isn't noted in your records, the insurance company won't add those issues when it values your claim.

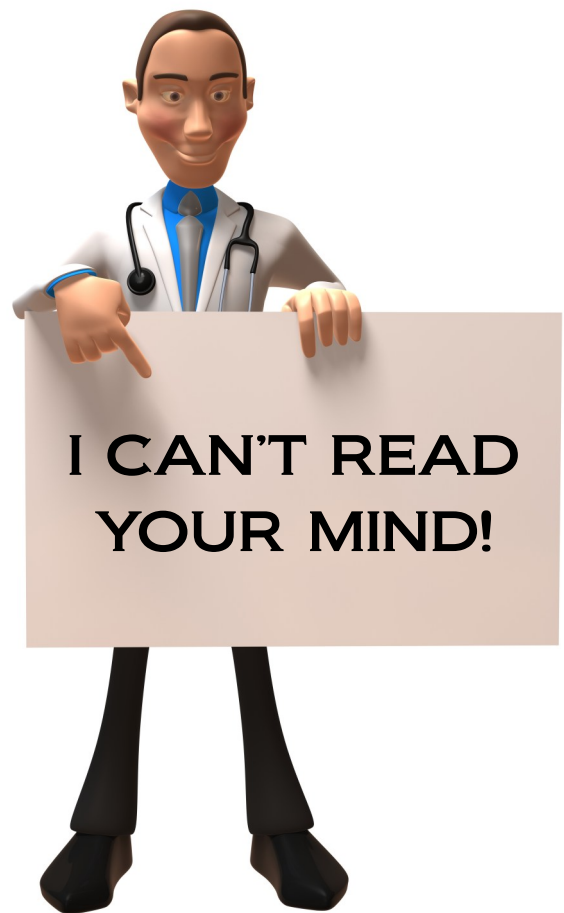
What do you do about this? You have to talk to your doctor. I know that's easier said than done. That's why we typically give our clients forms to help with this process. These forms vary depending on the type of case and type of injuries, but they generally help clients make lists of the client's symptoms and lists of the ways the accident affected the client in the client's home life, work life, and social life.

Using these forms allows the client to think about the questions and answers at their leisure and not when they're under stress of sitting in their doctor's office. Some clients just use the lists to organize what they want to tell their doctor, and some make their own lists that they provide the doctor so the doctor can include the information in the records.

Whatever your method, it is critical to the value of your case that you be honest with your doctor about your symptoms and how your injuries have affected you.

Communication also leads to better care. The more information your doctor has, the better he can understand your condition and provide you care. Something you think is insignificant might be very important to your doctor. But your doctor can't give you the best advice without knowing all the facts.

Do yourself a favor, and really talk to your doctor.



Concussions Are Serious Business: Concussion Myths and Facts

Myth: Someone suffering from a concussion should be wakened repeatedly.

Fact: Sleeping is the best thing for the injured person so don't wake him or her. Getting physical and mental rest aids recovery.

Myth: Contact sports are the only ones that put athletes at risk of concussion.

Fact: Concussions can occur in any sport or recreational activity. If there is a blow to the head or a violent movement of the head or the body that causes the brain to move quickly in the skull (even without a blow to the head), it can cause a concussion.

Myth: A normal CT scan can rule out a concussion.

Fact: A CT scan detects structural injury and won't pick up a concussion.

Myth: You must lose consciousness or black out to have a concussion.

Fact: Only a small number of concussions involve loss of consciousness.

Myth: The harder someone is hit, the worse the concussion.

Fact: It doesn't always take a big hit to produce a concussion, any contact to the head or body that causes rapid head movement can cause a concussion.

For football players who have several lower impact

hits in one game, or over time, the effect might be more serious than a single collision of great force.

Myth: The effects of a concussion are short-lived.

Fact: Concussions can cause cumulative damage to neurons and structural damage to the brain, both of which can cause long-term effects.

If you or a loved one has suffered a concussion, let us know. We have additional resources that we provide clients and others to help them better understand the nature of their concussion and the potential consequences and treatment they face.



Want To Learn About Your Injuries?

Speaking of myths and facts, I routinely hear from clients who have scoured the internet to try and learn about the injuries they've received in a wreck or other accident. It won't surprise you that much of the medical information you find on the internet is junk.

But there is one site I highly recommend: www.uptodate.com. This site, created by doctors for doctors, is helpful for patients looking to better understand their conditions. (We even use it to help prepare for depositions in various cases.) The site has a free (Beyond the Basics) option. But even better is the subscription option. Patients can buy a subscription for a week (\$19.95) or a month (\$44.95) that gives you complete access to the information used by doctors and hospitals. If you're looking for information on your condition, it's hard to beat this resource. (And no, I'm not getting paid for the plug.)

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