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INVOLVED IN AN ACCIDENT?

SEEK EARLY AND CONSISTENT MEDICAL TREATMENT

If you are involved in an accident, regardless of how the accident occurred (e.g., auto collision, slip and fall, trip and fall, recreational accident), there are two compelling reasons to seek early and consistent medical treatment: (1) to protect your health; and (2) to protect your legal rights.



1. PROTECT YOUR HEALTH

In the immediate aftermath of an accident, many people will do a quick self-assessment and make a diagnosis: "I'm fine." This is a risky move. The smarter course of action is to err on the side of caution and seek medical treatment, even if you think you are not injured.

A latent onset of symptoms (i.e., a situation where you don't "feel" your injury until several days or weeks following the underlying trauma that prompted it) can sometimes lead you to believe that you are not hurt when you actually are. This is common with soft-tissue injuries. Soft-tissue injuries occur when muscles, tendons and/or ligaments are overstretched or torn. Whiplash, for example, is an injury to the soft tissue of the neck; a concussion is an injury to the soft tissue of the brain. This type of injury may not reveal itself for hours, days, or even weeks after an accident.

Your doctor will be in the best position to evaluate your condition, especially with regard to soft-tissue and other potentially "hidden" injuries that may arise out of an accident. He or she also can offer advice on how to take care of yourself and what signs of injury to watch for in the days and weeks following your accident.

Moreover, while it is important to seek treatment right away after an accident, it will do you no good if you don't follow your doctor's treatment plan. Be a good patient. Do what your doctor tells you to do, and follow up, as instructed. Obtaining consistent, quality medical treatment is critical to making a full recovery and achieving the best possible outcome to your situation.

BOTTOM LINE: Your health is priority #1 after an accident. Take care of yourself by seeking immediate medical attention (even if you think you are not injured); following your doctor's treatment plan; and continuing treatment until your doctor releases you.

2. PROTECT YOUR LEGAL RIGHTS

In addition to negative health consequences, failure to seek medical treatment immediately following your accident – and to continue that treatment according to your doctor’s orders – can have a negative impact on any legal claim that may arise out of the accident.

When you are injured due to another person’s negligence (i.e., unreasonable carelessness), you may be entitled to compensation for the harm you have suffered. The value of your case – that is, how much compensation you may be entitled to recover – will depend in large part on the story that is told in your medical records and your medical bills. The insurance adjuster for the party who caused your injuries will closely scrutinize these documents, looking for “red flags” that can be used to justify reducing the value of your claim. Delayed treatment and inconsistent treatment are two bright red flags.

RED FLAG: DELAYED TREATMENT

If you wait to seek treatment, your delay:

- May raise questions about the seriousness of your injuries. After all, how badly could you have been hurt if you didn’t need to go to the hospital or see a doctor right away?
- May raise questions about the true cause of your injuries. For example, if a period of three months elapsed from the time of the accident until the time you first sought treatment, the insurance company will argue that your injuries resulted from a different accident or some other event that occurred during that three-month period.
- May be viewed as a “failure to mitigate damages.” In a personal injury action, the injured party has a legal duty to take reasonable steps to better his or her situation (i.e., to “mitigate damages”). The insurance company will argue that you could have acted sooner to begin the healing and recovery process.

RED FLAG: INCONSISTENT TREATMENT

Similarly, if you do not seek consistent treatment, the insurance company will use that against you. If your medical records reveal that you were a non-compliant patient – e.g., that you failed to follow your doctor’s orders; failed to take your medication as prescribed; failed to follow up with your doctor or a specialist, as instructed; repeatedly missed or rescheduled appointments; or stopped treatment altogether – this will reduce the value of your claim. (On the other hand, if your medical records demonstrate that you were committed to getting better and took all reasonable steps to do so, this will increase the value of your claim.)



3. SUMMING UP

If you are involved in an accident, regardless of how it happened, take the following steps to protect your health and your legal rights, and to ensure the best possible outcome to your situation:

- Seek immediate medical attention;
- Be consistent and diligent about continuing your treatment;
- Be a good patient; and
- Do not stop treatment until your doctor releases you.

If you have been injured in an accident that was not your fault, and have questions, my team and I are available to answer them, serving clients throughout the region from our office in Campbell.

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