

Why You Should Use Your Med Pay In Auto Accident Cases (California Edition)

If you have been given this form, the following statements are probably true:

1. You have been involved in an auto accident.
2. The auto accident probably wasn't your fault.
3. You have your own auto insurance that covers medical insurance (med pay).
4. Your Doctor of Chiropractic has requested your own auto insurance information for billing purposes.
5. You are hesitant about using this med pay portion of your auto policy.

There are probably 2 major reasons for this hesitation.

1. Many people believe that if they use their med pay in an auto accident case that wasn't their fault, their auto rates can be increased as a result. NOT TRUE. State law (Section 491 of the California Insurance Code) makes it illegal for the auto insurance company to do this. PERIOD!
2. Many people have strong convictions against using their own med pay to cover the effects of someone else's mistake. While this argument works somewhat on an emotional level, rationally it makes little sense. Would you still choose not to use your med pay if the responsible party had no insurance and was unable to pay out of his/her pocket? Of course not. It is your own insurance company's responsibility to seek reimbursement for your medical expenses from the responsible party. So don't worry about that. Your primary job after an auto accident is to get well as fast and as completely as possible. You paid regular premiums for the right to have med pay, so why not use it when the need arises? As you will see by reading the following, there are many advantages to using your med pay.

Advantages to using your own med pay.

1. You can go wherever and to whomever you want for treatment. Most med pay policies do not have the restrictions found in managed care and other insurance companies. The ability to choose how to use the medical care allowance provided in your policy gives you enormous freedom to get exactly the care you desire. As long as your care is reasonable and necessary, you are not at the mercy of the typical arbitrary restrictions seen in non-med pay coverage. Thus, if your doctor determines you need a MRI or other special test, you can typically get one without delay.
2. By using your med pay, you don't have to use up your limited health care benefits. As you are probably already aware, most health insurances have limited *yearly* maximums in coverage. This means that if you use up your coverage for the year on the auto accident, you will have no insurance coverage the remainder of the contract year. Med pay insurance coverage is per *incident*, not per year, so even if you were to have another auto accident that same year, your coverage is not diminished.
3. If you don't use your med pay, have no personal health insurance and are not willing or able to pay cash, the office where you seek treatment will most likely require that you sign a lien. A lien is a legal document that guarantees you will pay, even if the third party payor refuses to cover your treatment, which may include penalties and interest for failure to pay by a certain time. If the medical establishment does not honor liens, you will *not* be able to get treatment or diagnostic procedures at that facility.
4. When using your med pay, your treating doctor doesn't have to wait until the resolution of your case to get paid. When one depends solely upon the third party payor (the auto insurance company of the person who caused the accident), medical bills are not usually paid for many months. While many doctors endure this wait as a courtesy to their patients, this delay is unnecessary if you have med pay.
5. When you use your med pay coverage, you typically have the protection of the Bad Faith laws in California. This protection helps assure that you will be treated fairly by the auto insurance company. A Bad Faith violation could cost your auto insurance a small fortune, so you have considerable leverage on your side. Third party payors are typically exempt from such Bad Faith laws in California, so this same protection does not exist, making you vulnerable to abuse.

OUR OFFICE STRONGLY RECOMMENDS THAT YOU USE YOUR MED PAY POLICY TO COVER TREATMENT FOR YOUR AUTO ACCIDENT INJURIES. THANK YOU FOR YOUR COOPERATION.