



# The Group with the Scoop

Wrongful Death | Car Accidents | Defective Products

## health insurance subrogation

(RIGHT OF REIMBURSEMENT)

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Odds are, you've probably never heard of the word subrogation (don't worry if that's the case; most people haven't!). In a nutshell, it means that if you happen to receive a personal injury settlement, your own health insurance company gets reimbursed for money it paid for your medical treatment.

Subrogation varies from state to state. Some states do not allow it at all. Other states allow no defense (or limits) against it, but most states will allow for some defenses, depending upon the situation.

In essence, your health insurance provider wasn't giving you money for medical bills, lost wages, or other first-party benefits (first party meaning you); they loaned them to you, pending payment by the insurance company for the person who was at fault.

If your insurance company knows you are filing suit against the at-fault person, they will let the at-fault person's insurance company know that a claim of subrogation will be asserted and that they want to be paid before you ever see a dime of your settlement or award.

#### Right of Reimbursement



Prior to this, you probably received a health insurance subrogation questionnaire asking all sorts of probing questions about your accident, injuries, or if you've hired an attorney.

Hand all forms and information to your attorney immediately. An attorney can determine if there is a valid right by your insurance company to subrogate and, if there is, what a fair amount would be. You need someone solid advocating for you. In some circumstances, people have won settlements but ended up with very little due to the off-the-top payouts to their insurance companies for subrogation. If you find yourself in this precarious situation, feel free to consult with one of our personal injury specialists here at The Miley Legal Group. ■



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# citizen spotlight

E. GORDON GEE –  
WEST VIRGINIA UNIVERSITY PRESIDENT

**Family Members?** I am blessed to have a wonderful daughter who is a physician and who has responsibilities for public health and Medicaid and Medicare in the state of Louisiana. She is also an assistant professor of medicine and public health at the Louisiana State University Medical School.



E. Gordon Gee, WVU President.

**How does it feel to be back in West Virginia?** It feels like I have returned home. This is a very special place and a very special time and a very special opportunity. I am grateful for the warmth with which I have been received upon my return.

**Why do you think in 2009, Time Magazine named you one of the top 10 university presidents in the United States?** I suspect it is because my mother was editor of Time. Seriously, I was gratified by that recognition but I realize that such things are fleeting. I hope to continue to work at a very high level and bring recognition to the universities that I serve.

**In your opinion, what has been your greatest accomplishment?** My greatest accomplishment may be that I have survived nearly 35 years as a university president. But, I suspect the most significant achievement has been the opportunity to lead significant public universities through a very tumultuous and changing environment.

**What is the biggest issue you face as West Virginia University's President?** I believe the most significant issue facing higher education, and certainly our university, is that of the challenge of increasing quality while moderating and decreasing our costs within universities and colleges.

**What is the best piece of advice you ever received?** The best piece of advice I have ever received, and one that I have learned to give to others and follow, is that one should celebrate one's successes, but learn from one's mistakes.

**What is the funniest incident you have encountered as West Virginia University's President?** I have had a number of funny things happen to me, but I suspect the most amusing was when a couple of young coeds recognized me, but thought that I was Orville Redenbacher.

**If you could sit and talk with anyone in the world, (past, present, or future) who would it be and why?** I have had the privilege of talking with remarkable people over many years. Presidents, ambassadors, symphony conductors, great musicians, poets and writers. It has been a privileged life. But the person that I admire the most is Abraham Lincoln and I would be honored to have an opportunity to spend some time talking with him, not about his presidency but, about his leadership style.

**If you could give young adults advice, what would it be?** Find your passion and follow your dreams. And live up to your expectations and not the hollow expectations of others. ■

# cases of interest

## PASSENGER SUFFERS PERMANENT INJURIES

Our client was a passenger in a vehicle which lost control at 65mph and struck a guardrail. He was life-flighted to an area hospital where he was admitted for many days. Our client's thigh bone was shattered and he lost part of his fingers on his dominant hand. Surgery had to be performed to his leg and he now lives with a steel rod and screws inserted permanently. Our client's medical bills totaled approximately \$74,000.00. Unfortunately, our client did not have health insurance. The driver who lost control only carried state minimum insurance limits (\$20,000.00). Our client did not carry any underinsured motorist coverage. He was able to be covered by a family member he lived with but that person only carried minimal underinsured motorist limits (\$20,000.00). The most our client could recover, regardless of how devastating his injuries were, was \$40,000.00. **This results in a \$34,000.00 loss.**

This is merely one more example of "that will never happen to me." That is what our client thought too. We highly recommend, for your own protection, that you review your limits of automobile insurance, and have any of the types of coverages that you may not understand explained to you in detail. **You may never need it, but if you do, it becomes PRICELESS!**

## DRUNK DRIVER CAUSES INJURY

Our client, a passenger in a vehicle being driven by her husband, was on her way to the post office on a weekday afternoon. An oncoming vehicle swerved left of center and struck our client's vehicle. Our client was initially transported to a local hospital where she was then life-flighted to a level one trauma hospital due to fear of internal injuries. Thankfully our client did not have internal injuries to her organs but she did suffer permanent and debilitating injuries nonetheless. The drunk driver was arrested and later found guilty of the charges. Because the drunk driver had no excuse for spending a Thursday afternoon getting drunk at a bar and then trying to drive home while children were on their way home from school, her insurance company paid its policy limits. We are investigating whether there is any responsibility on the part of the bar owner for serving the drunk driver too much alcohol. ■

# peanut butter & jelly muffins

The kids are headed back to school, and that means the morning rush probably just got even more rushed. Inspired by the lunchtime staple, these PB&J muffins make a great breakfast for families on the move. -Makes 1 Dozen

2 cups all-purpose flour	3/4 cup apple juice concentrate
2 teaspoons baking powder	1/2 cup chunky peanut butter
3/4 teaspoon baking soda	1/4 cup fat-free milk
1/4 teaspoon salt	3 tablespoons melted butter
2 eggs	1/3 cup strawberry jam/jelly/preserves

## Directions

1. Preheat oven to 350 degrees F.
2. Mix the flour, baking powder, baking soda and salt in a large bowl.
3. Add in the eggs, apple juice concentrate, peanut butter, milk, and butter, stirring with the dry ingredients until the whole mixture is just moist.
4. Coat muffin cups with cooking spray and pour half of the batter into them.
5. Then scoop about a teaspoonful of your jam/jelly/preserves into each cup.
6. Pour remaining batter over the top of each.
7. Bake for 15-20 minutes. Check for doneness by inserting a toothpick until it comes out clean.
8. Cool for 5 minutes, then move muffins to a wire rack to finish cooling.pbj

Original Recipe and Photo taken from [www.tasteofhome.com](http://www.tasteofhome.com). ■



## pet peeves... the mighty thunderstorm



Hey folks. Mia and Dexter here to help you face your fears. Well, to help your storm-shaky pooches (like Dexter) face theirs, since summer means more than just fun in the sun – it means big time thunderstorms.

Some of us hide in a closet and hope it goes away, but for others the fear can become more dangerous. We've even heard of dogs crashing through windows because they were so scared and just desperate to get away from the storm. That's why we've been doing our research to try to help other dogs like Dexter get over their fears. Here's what we've found:

**Capes and wraps** – For dogs, storms aren't just about flashing lights or booming sounds, but the creepy, itchy, buzzy way we feel. Static electricity gathers in our fur during thunderstorms, making us feel more on edge. There are, however, these super cool capes available (Storm Defender, for example) that are supposed to help prevent static buildup. Plus, can you say "Superdog"?

**Dog Appeasing Pheromones** – It sounds like science fiction, but collars utilizing a dog appeasing pheromone (DAP) may

just settle us down. DAP is a special chemical that mimics our mothers' natural, calming pheromones and helps us relax, just like when we were puppies.

**Medication** – For some extreme cases, we may need to go to the vet. Yeah, we know – we hate it just as much as your pets do. But when all else fails, they may be able to prescribe something stronger to get us through storm season.

And of course, no matter what other solutions you try, the most important thing is that we have a comfortable, safe place to curl up. Stuff our kennel full of blankets and leave it open for us to crawl into, or puppy-proof a room and turn on the radio to distract us from the booming outside. Remember, even big brave dogs get scared sometimes. We just need your love and support so we can get back to our bouncing, bubbly selves pronto. ■



Dexter & Mia Miley.





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## Health Insurance Subrogation

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SEE PAGE ONE

Give this Newsletter to a friend. They will thank you for it, and so will I.

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# our little girl is off to college

Dear Jordin:

I remember the day you were born like it was yesterday. It seems like I blinked and you grew up! I drove you to school on your first day of kindergarten and on August 14th, I dropped you off at WVU to start your next incredible journey.

Tim and I want you to know how very proud we are of you and that we love you. We pray that all your hopes and dreams come true. You have an incredibly bright future ahead and we look forward to seeing all the positive differences you will make in the world.

With Love,

Your mom and stepdad

Jordin with Susan



in front of WVU Honors Building



Jordin & Tim



Jordin and Grandparents  
Tom & Carolyn Douglas

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