



Miley Legal News

“The Group with the Scoop”

Wrongful Death - Car Accidents - Defective Products

The Miley Legal Group • June 2009

Young adults' health

A report from the National Center for Health Statistics shows the health of young adults age 18 to 29 has not improved in the last 15 years. In some areas, such as obesity, they are less healthy.

One-third are obese and another third are overweight. Many don't exercise.

Some 30 percent do not have health insurance, and almost a third of young men are smokers. One quarter of them admit to binge drinking once a month in the past year.

Most young adults appear to be healthy now, but the long-term effects of their habits could cause problems later.

“Determination gives you the resolve to keep going in spite of the roadblocks that lay before you.

– Denis Waitley

You are the first!!

Welcome!! If you are reading this, then you are the first to receive the first edition of the Miley Legal News – “The Group with the Scoop.” We have often thought of ways to keep in touch not only with our clients, but also our friends with whom we enjoy some “connection” so that we may provide you with interesting and helpful information. At The Miley Legal Group we have, and will always, pride ourselves on being very candid and give to you “the good, the bad, and the ugly” of newsworthy and interesting events that occur in our community, our state, and our nation.

If you received a copy of this first edition newsletter, then you probably are, or have been, a client of our firm. As you already know, clients of The Miley Legal Group are served by a team of tough, smart professionals who treat each case as if it was their own, and it is the dedication and commitment of the lawyers and legal

assistants that make it possible for us to provide excellent services to our clients. So that you may better know the individuals that assist with the legal matters in the office, we will feature for the next several months the lawyers and legal assistants who make up The Miley Legal Group.

We hope you will enjoy receiving “the scoop” and if there is any article or issue of interest that you would like to see in one of our newsletters, please do not hesitate to contact the office and share your thoughts with us. It is our intent to be THE law firm that provides interesting and relevant stories to our friends, families, neighbors, current and former clients, and just about anybody who wants to be updated about legal issues. Stay tuned....

Tim Miley

Grow some food

In June, it's too late to start planting seeds, but you can still have a garden that provides many servings of peas or beans for the rest of the year.

- Buy a few plants at the garden or home improvement store.

- Make the garden in a spot that has eight or more hours of sun each day.
- Dig a bed at least 12 inches deep and work in compost or organic matter. Or you could make a raised bed by creating 12-inch-high mounds.

(Continued on page 2.)

Recommended Reading: What's on Your Bookshelves?

Pygmy

by Chuck Palahniuk

Road Dogs: A Novel

by Elmore Leonard

Fool's Gold: How the Bold Dream of a Small Tribe at J.P. Morgan Was Corrupted by Wall Street Greed and Unleashed a Catastrophe

by Gillian Tett

Who's Got Your Back: The Breakthrough Program to Build Deep, Trusting Relationships That Create Success—and Won't Let You Fail

by Keith Ferrazzi

Sunnyside

by Glen David Gold

The Walking People

by Mary Beth Keane

Strong Enough to Die: A Caitlin Strong Novel

by Jon Land

How to Buy a Love of Reading

by Tanya Egan Gibson

Final Finesse

by Karna Small Bodman

Love in Condition Yellow: A Memoir of an Unlikely Marriage

by Sophia Raday

When is health insurance not insurance at all?

Most people believe that the health insurance provided by their employers will cover them if they are injured in an automobile accident. The reality is that in most cases, if you are covered by your employer's health-benefit plan and you are injured in an accident, the medical bills you incur will not be covered. Usually, the health-benefit plan will pay the bills so that the health-care providers can be paid; yet, in most cases, that same "insurance company" will attempt to force you to repay everything they have paid if you are successful in your lawsuit.

Recently a client was very seriously injured in an automobile accident, and the plan paid over \$50,000 of her medical expenses. The problem was that the person who caused the accident had only \$50,000 in liability insurance coverage. Thus, the health-insurance plan's position was that it was entitled to all of the proceeds of the case, and the injured child was entitled to nothing!

Bank your own blood?

Because of concerns about hepatitis or HIV going undetected in the blood supply, about five percent of patients opt to donate their own blood in advance of elective surgical procedures. This kind of blood donation is known as an "autologous" transfusion. Patients usually review surgical needs with their physicians first. Then the doctors can write prescriptions asking hospitals or Red Cross donor sites to make "auto" transfusions to the hospitals' blood banks. Donations should be made about three weeks prior to surgery, with donation sites and hospitals

What can you do about this?

It is suggested that you purchase underinsured motorist insurance in the minimum amount of \$500,000. Most people should purchase at least \$1 million of uninsured motorist coverage; you will be shocked to find how inexpensive this insurance is. This way, if you or a family member is seriously injured and the person who caused the accident has no insurance or very little insurance, then you will be protected even if you must repay the "insurance company" who paid the medical bills. If you do not know how much insurance you have, then pull out your automobile insurance look at the cover page (the page that says what benefits you have). Please do not allow your family to be financially devastated because you made a decision to not purchase enough uninsured motorist coverage.

charging a service fee of \$70–\$100 per pint of blood handled.

Medical authorities note that some patients may not be good "autologous" transfusion candidates. Those with histories of cardiac disease, high blood pressure, seizures, or obesity may not be eligible to contribute. Furthermore, risk of infection during donation, human error in mislabeling, and other problems may add a small, but real, risk to "autologous" transfusions.

Grow some food (cont.)

- They will need an inch of water each week from rainfall or watering. Harvest crops

as they come on, and continue to harvest regularly.

Health insurance tips: Reasons why benefits are denied

1. Improper or incomplete documentation by the physician.
 2. The service is not a service covered under the policy.
 3. The requested service falls under the “preexisting condition” exclusion.
 4. There has been some misstatement on the application for insurance by the patient that the insurance company deems to be material and untruthful.
 5. The healthcare entity seeking reimbursement is not an “approved healthcare provider” or “planned participant.”
- Strategies for Dealing With a Denial of Benefits**
- Like many things in life, an ounce of prevention is worth a pound of cure!
- Dealing with an insurance company who denies medical benefits can be very frustrating and, at times, life threatening. There are some basic strategies that everyone, young and old, can employ to minimize the risk that you will be denied insurance benefits when you most need them.
1. If you are buying health insurance, understand what it is you are purchasing. While it is good to ask questions of the agent or telephone sales person, understand that the answers given by sales people are not binding on the insurance company. The insurance company must provide you with a complete copy of the insurance policy, but it is your obligation to read it. If you do not understand the policy when you receive it, consult with someone knowledgeable in the field who is independent of the person or entity that is trying to sell you the policy.
 2. Beware of “specialty” policies. It is rarely ever a good idea to buy insurance for specific medical diseases, such as cancer. These policies are filled with loopholes and limitations that make them worthless to the average person.
 3. If your insurance policy requires that you use a healthcare provider from the plan, double check to make sure that the healthcare provider is a member of the plan and, if you have time, get the confirmation in writing.
 4. Be brutally honest in filling out all applications for any type of insurance, including health insurance. If you have misrepresented anything of substance, you can bet that the insurance company will find it and leave you holding the bill.
 5. If you are denied benefits, make sure that the insurance company puts the reasons for their denial in writing. You should state your reasons why you feel benefits should not have been denied in writing. Do not leave any issue of denial of insurance benefits to oral conversation. Memories fade and insurance employees frequently either leave the business or change companies. If it is not in writing – it didn’t happen.

Getting it right from the start

There are an ever-increasing number of claims for long-term disability insurance benefits. It certainly appears that the long-term disability insurance companies are haphazardly denying more and more legitimate claims. Many claimants have proceeded through portions of the cases by themselves. This is a big mistake. Anyone contemplating filing a long-term disability claim should consult with an experienced ERISA long-term disability attorney before stopping work. There are simply too many mistakes that we have seen claimants and their doctors make that have, unfortunately, made some of these claims simply not winnable. Because the law is so heavily tilted in favor of the insurance companies, we see many people who are truly disabled, but who cannot win their claims because mistakes were made before experienced attorneys got involved.

? **PUZZLER —**
How many animals did Moses take on the ark? ? ?

The Miley Legal Group
230 W Pike Street, Suite 205
Clarksburg, WV, 26301

Phone: (304) 326-1800

PRESORT STD
U.S. POSTAGE
PAID
PERMIT 662
WICHITA, KS

RETURN SERVICE REQUESTED

Fun Facts



Problems with energy drinks

Most energy drinks contain tons of caffeine, sugar and herbal supplements such as taurine. It's OK to drink one as long as it has about the same amount of caffeine as a couple cups of coffee and about the same amount of sugar as a can of soda. Many contain much higher amounts plus other substances. They can cause faster heartbeat, irritability, nervousness, nausea and sleep problems.



If you want to be happy for a year, plant a garden. If you want to be happy for life, plant a tree.

English proverb

Ingesting the massive amounts of caffeine in two or more energy drinks can trigger abnormal heart rhythms.

If consumed along with alcohol when you are dehydrated, or consumed quickly before a sporting event, they are dangerous. Fainting or a heart attack could occur, say doctors at the Mayo Clinic.

Puzzler Answer: Moses didn't take anything on the ark. Noah did.