



The Ethics of PI

How to Spot and Stop PI Game Fouls



Personal Injury
Made Easy

Disclaimer

The contents of this presentation are for educational purposes and may not accurately reflect the actual law involved for your specific state and federal law may also apply. This presentation is intended to provide an overview and personal opinions. Before implementing anything or taking any action based upon this presentation, confer with a duly licensed healthcare attorney and other legal, business and financial professionals, and follow their specific advice and guidance.

Why We're Here



What's Our Goal: **For YOU?**

Goal: Knowledge

Goal: Strategies

Goal: Tactics

Goal: Tools

Goal: Improve & Level Up





**Coaching
staff**



Michael Coates

Head Coach

- Attorney
- National authority
 - medical lien law
 - lien management
 - lien negotiations Recognized innovator
- Coach
- Educator
- Mentor

Helping hundreds of providers
in thousands of matters recover
millions of dollars.



**I believe
you deserve...**

**Greater
SUCCESS**

A silhouette of a family on a boat at sunset. The father is lifting the child into the air, and the mother is standing next to him, looking up. The sun is low on the horizon, creating a golden glow over the water and sky. The text "I believe you deserve..." is overlaid on the right side of the image.

I believe
you deserve...

**Greater
REWARDS**

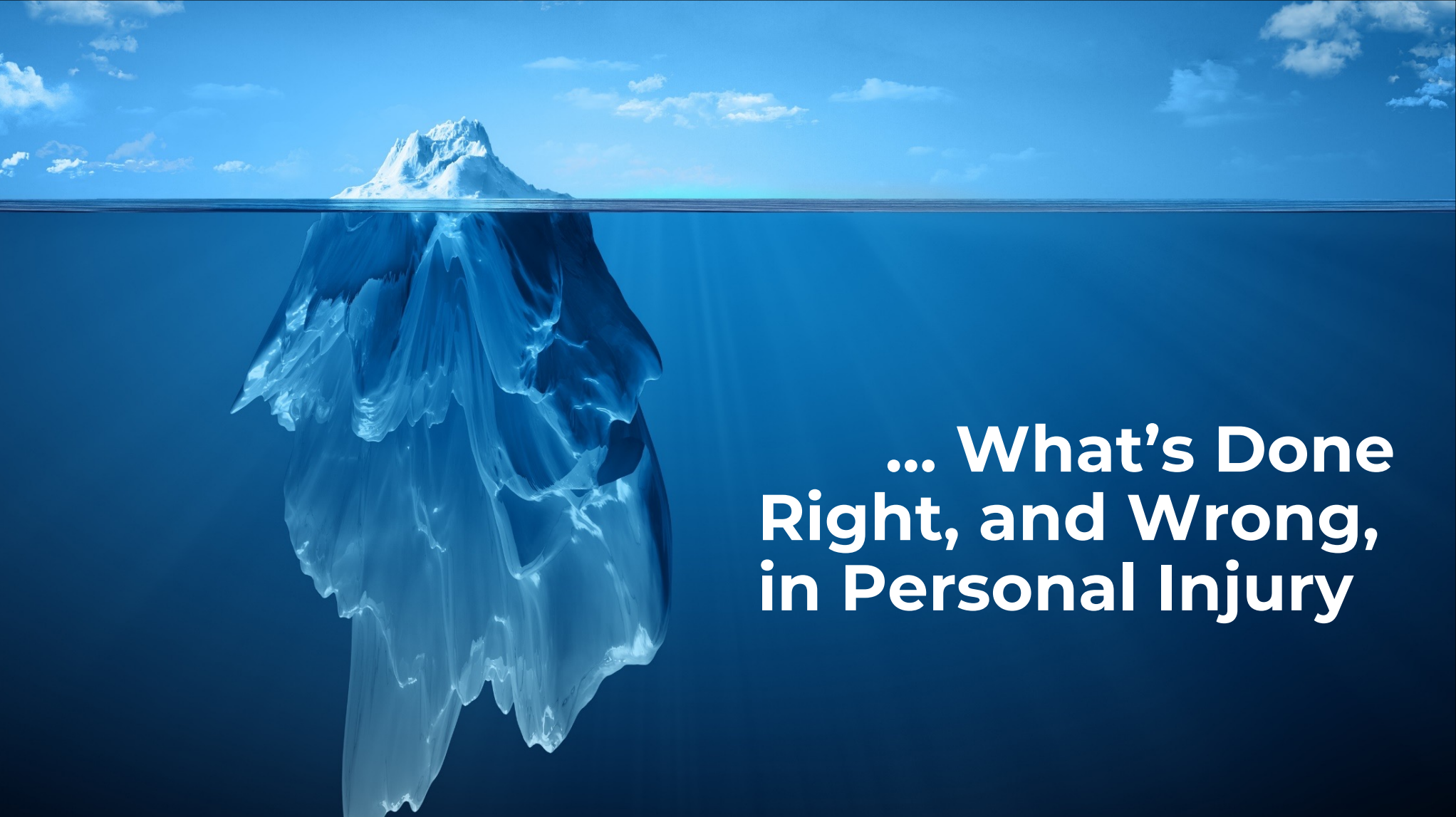
I believe
you deserve...

**Greater
RESPECT**



You don't know...
What You Don't Know





**... What's Done
Right, and Wrong,
in Personal Injury**

**What's the
view like?**





The good



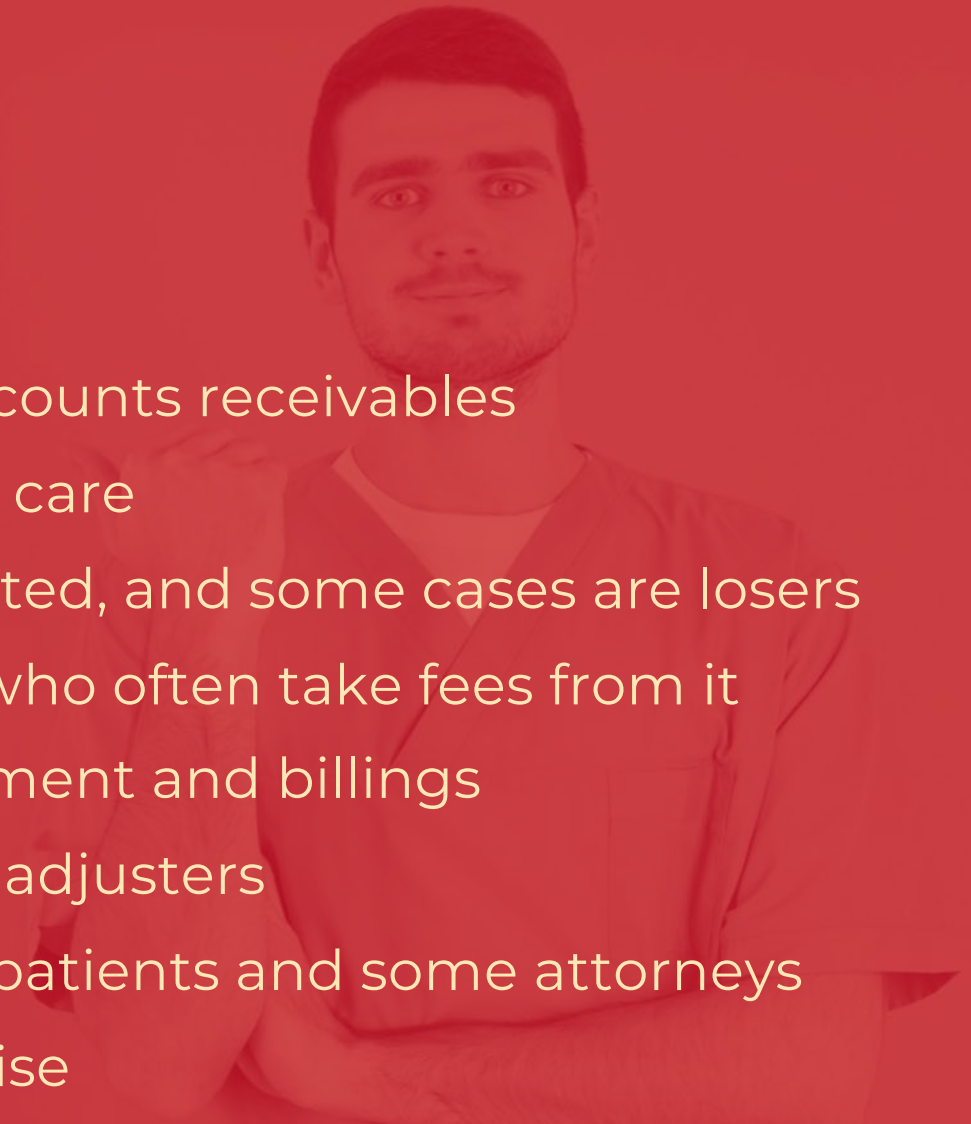
The Bad



The Ugly

The Bad And Ugly

- Waiting to be paid
- Extra overhead for aging accounts receivables
- Attorneys directing medical care
- Steep bill reductions requested, and some cases are losers
- MedPay held by attorneys, who often take fees from it
- Third party scrutiny of treatment and billings
- Disrespectful attorneys and adjusters
- Misuse and abuse by some patients and some attorneys
- Fear grips and frustrations rise





2023 Tort Reform

- No more atty-client privilege on **provider referrals**
- **50.1% at fault** means no recovery
- LOPS must equal **“real” medical costs** (*evidentiary only*)

Just before the law became effective:
280,122 cases were filed in March 2023 alone
126.9% higher than the previous record of May 2021

SO WHY PI?

The Good And The Great

- Chiropractic is the #1 medical specialty in PI, and a new patient entrance point
- Generally the highest paying segment, nearer full out-of-network rates
- Cash flow during recessions, business interruptions, moving or retiring
- Can bill for supported treatment health insurance denies
- Higher practice valuation potential for merger and exit strategies
- Avoid the insurance paperwork and resubmission game
- Improved plan compliance, leading to improved outcomes
- Built-in collaboration between medical specialties, leading to more referrals
- Faster pay with MedPay and PIP
- PI patients later transitioning to other practice segments, and referring others
- Generally no patient financials or having to chase patients for payment

Game Prep:

*A little due diligence
goes a long way*



Before the Season Starts

- Timing variations in PI
- Contingency versus creditor-debtor
- Differences between law firms
- Differences between patients
- Differences between jurisdictions
- Having the right forms in place
- Having the right processes in place
- Setting the expectations with all
- **Setting reasonable fees**



When the Game Starts

- Discover insurance coverage
- Observe property damage
- “Medically necessary” treatment
- Unique documentation & billing
- ID and apply for Med Pay & PIP
- The “right” liens-LOPs signed
- Tracking the case, issues & results
- Tracking the patient & atty
- Continue to learn & improve





The Players Matter and Vary



Patient
The Star Player



Attorney
Agent-Financial Coach



Medical Provider
Trainer-Health Coach



Insurer/Adjuster
Owner-Bank



Court/Judge
Referee-Umpire



Bar/Board
League Head Office



Foul Detection



**Potential
Game Fouls:**
Patient

“My momma always said life was like a box of chocolates.
You never know what you’re gonna get.”



That goes for *patients* too!



Potential Game Fouls: Patient

Unrealistic expectations

Faking it

Hiding pre-existing injury

Prolonging treatment

Gaps in treatment

Absenteeism





Potential Game Fouls: Patient

Uncooperative, to all

Unethical “sign me in please”

Case abandonment

Unreachable and moved

Hiding known issues

Potential Game Fouls: Patient

Uninformed

Misinformed

Greedy

Fearful





**Potential
Game Fouls:
Attorney**





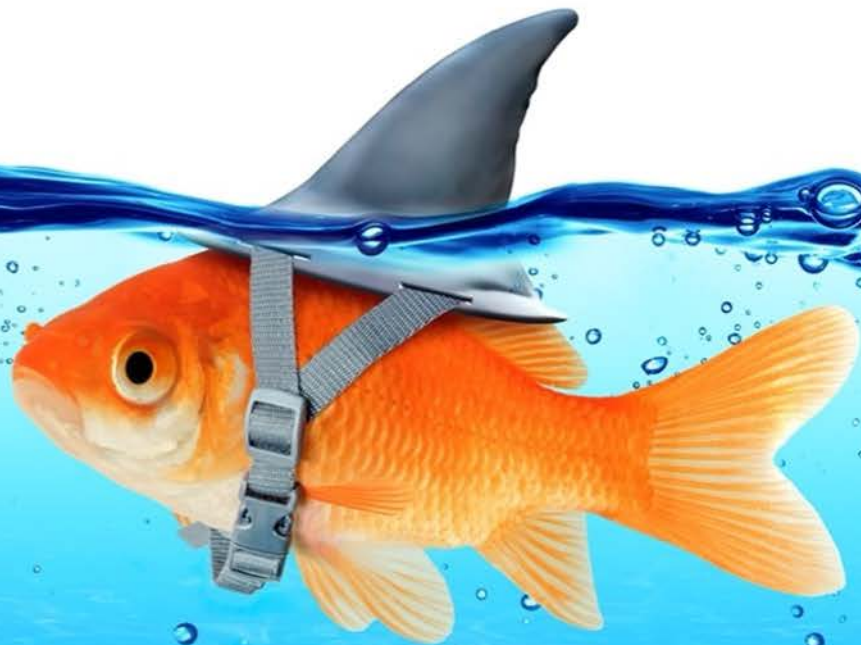


Hunting for
easy prey

A large, powerful ocean wave is breaking, creating a massive wall of water. The water is a deep, vibrant blue-green color. A shark is visible swimming underwater, its silhouette clearly seen against the lighter water. The wave is crashing, sending a spray of white water into the air. In the foreground, a person is sitting in the water, looking towards the wave. The sky is a pale, hazy blue, suggesting a bright day.

So what do most do?

It's all about
perspective





BIG egos

Experience these tactics?

Delay...

Deny...

Devalue...

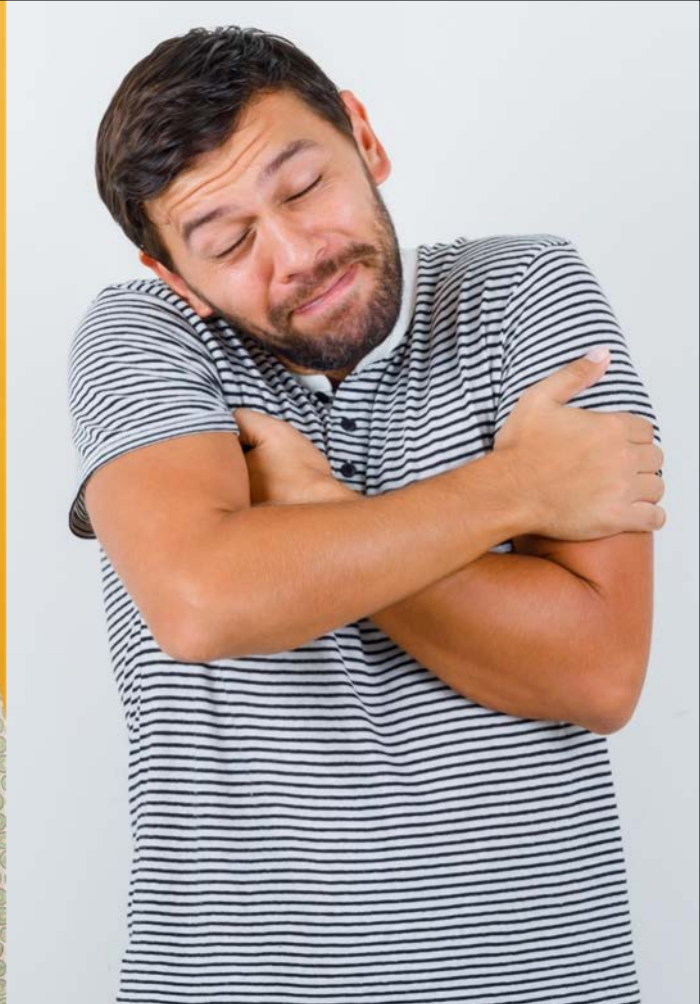
Defend



“Newbie Ned”
(deer in headlight)



“Part-time Pat”
(master of nothing)



“Pussycat Pete”
(gets rolled over)



“Braveheart Ben”
(overly aggressive)



“One-man-band Sam”
(no support)



“Know-it-all Natalie”
(always right)



“Overwhelmed Oscar”
(scattered)



“Missing Mary”
(never hear back, ever)



“Greedy Gary”
(WIFM)

Potential Game Fouls: Attorney

- Hands-off approach
- Untrained “specialists”
- “Turn & burn” firms
- Directing medical care
- Med Pay is their pay
- Middlemen usage





Potential Game Fouls: Attorney

- Not communicating
- Issues only after settling
- Not updating anyone
- Misleading everyone
- Not disclosing to clients
- No transparency to you
- New: reliance on AI



Potential Game Fouls: Attorney

Settlement details

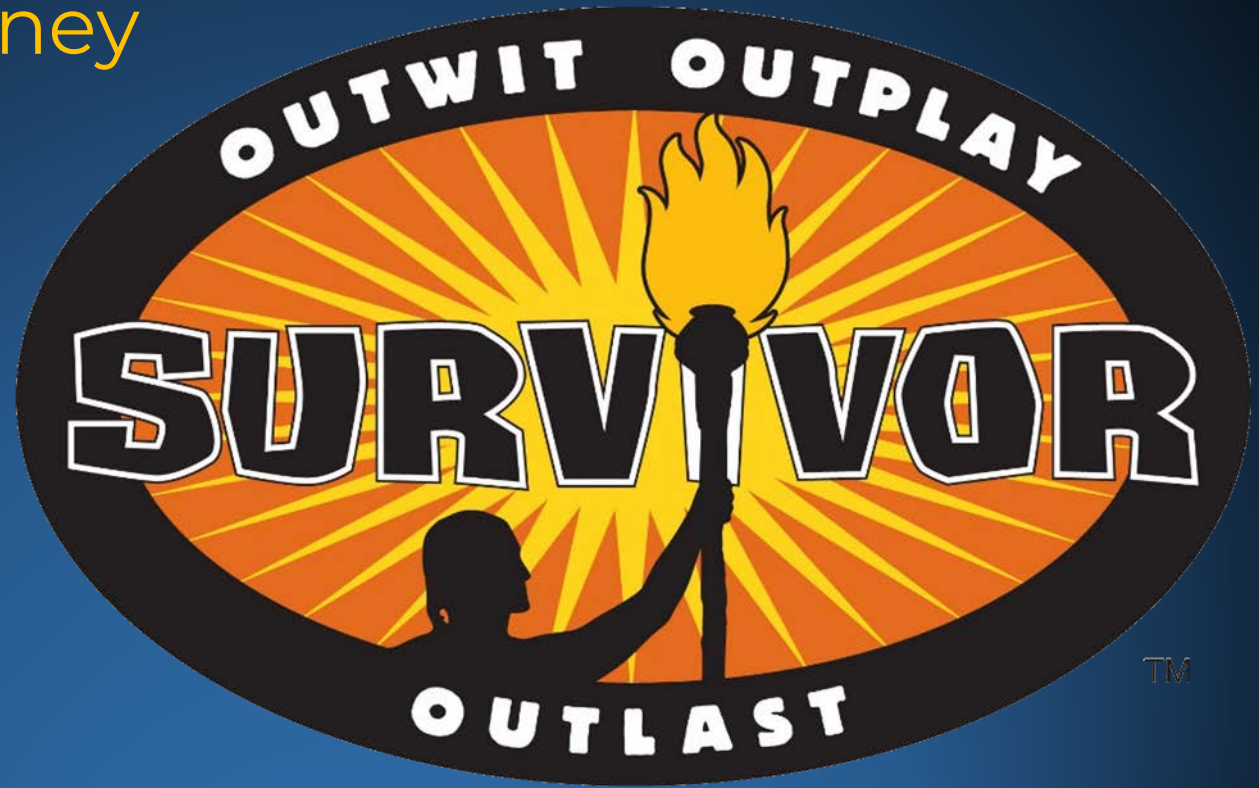
- When?
- Specifics?
- Intended disbursements
- Preferred arrangements
- Phantom costs & extra \$\$
- 33% to 45% attorney fees

Potential Game Fouls: Attorney

- Wrong law (intentionally)
- Kick-back, fee splitting
- “Pro rata” inequity
- Interpleader errors



**Potential Game
Fouls: Attorney**



JEOPARDY!

The most frequent attorney
response to requests for
settlement details?

What is...

IT'S CONFIDENTIAL!

In other words ...

**What are
they hiding?**





Transparency leads to
good business decisions



For Attorney **excuses**
(like “*it’s confidential*”)

Apply **leverage over lawyers**
(to force transparency)

Using your best weapon:
(the “right” detailed lien/LOP)

If not, you still have **options** ...

Florida State Bar Rule (Attorneys)

Rule 5.1.1(e)

Notice of Receipt of Trust Funds; Delivery; Accounting.

[A] lawyer must promptly deliver to the client or third person any funds ... that the client or third person is entitled to receive and, **on request** by the client **or third person, must promptly render a full accounting** regarding the property.

Leverage Over Lawyers

Leverage Facts and Law

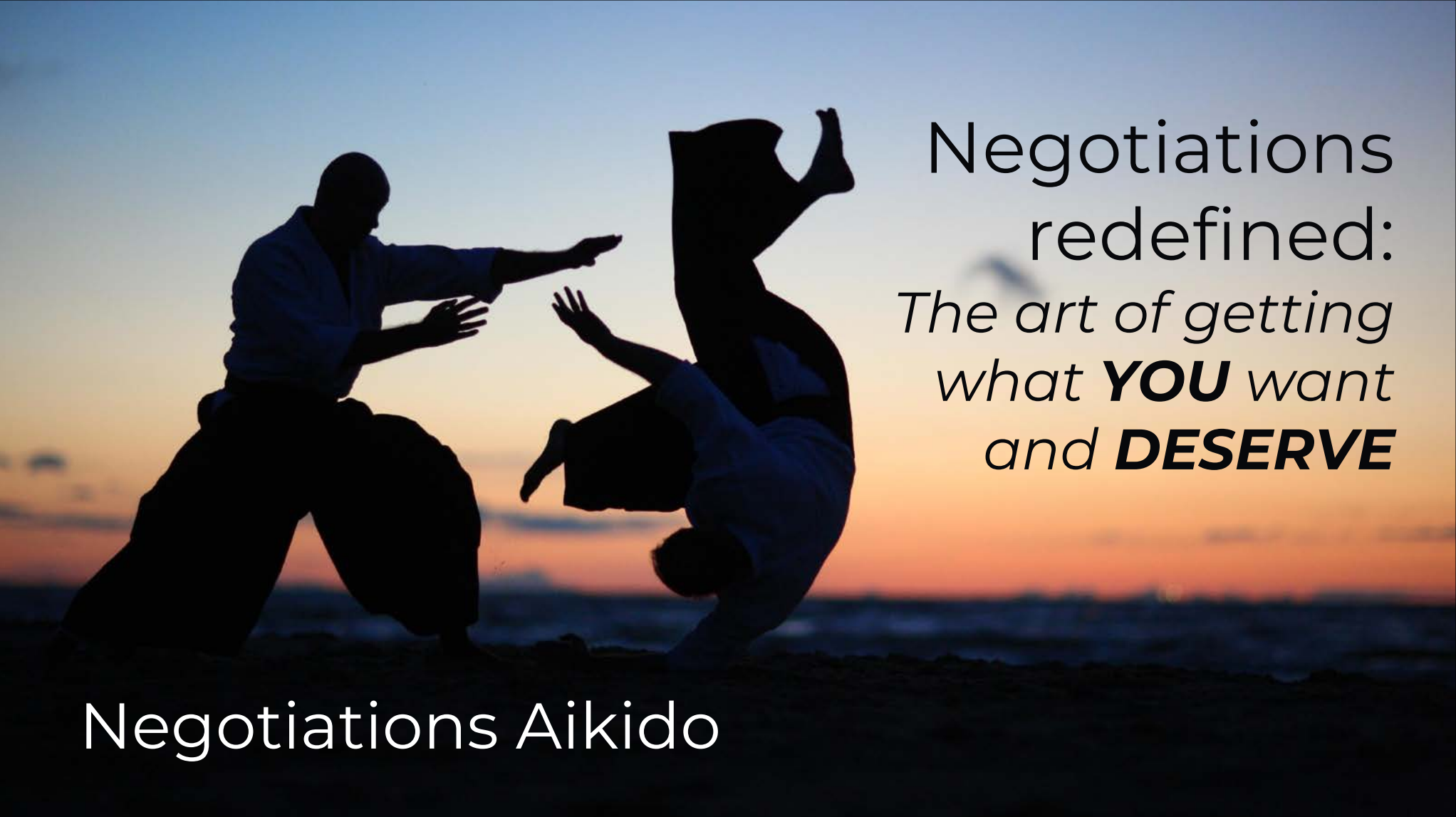
to your advantage

FACTS

proper treatment
reasonable billing
attorney actions/silence

LAW

The “right” detailed Lien
contract law
State attorney ethics rules



Negotiations
redefined:
*The art of getting
what **YOU** want
and **DESERVE***

Negotiations Aikido



Define
Identify
Spot & Stop
ROR & ROI
Unite your team
Prioritize
Trust but verify
Inject
Value
Emotional control

The D.I.S.R.U.P.T.I.V.E. Method

The D.I.S.R.U.P.T.I.V.E. Method

Negotiations Aikido

example: still refusing to provide settlement details

Attorney: *"It's confidential still."*

Provider: *"Let's then put the law aside and then talk common sense. I'm not required to reduce my bill. You can either pay my full bill or provide all the information I need. It's your choice. But your client may prefer you provide the info to maybe save them some money."*

Attorney: *"Well uhhh ..."*

Provider: *"To help, I'll give a 10% reduction even without disclosing and you can show your client you saved them money."*

Attorney: *"Deal. Appreciated!"*

Face, Ego and Relationships Saved



Potential Game Fouls: Provider



...before
pointing the
finger at
someone else

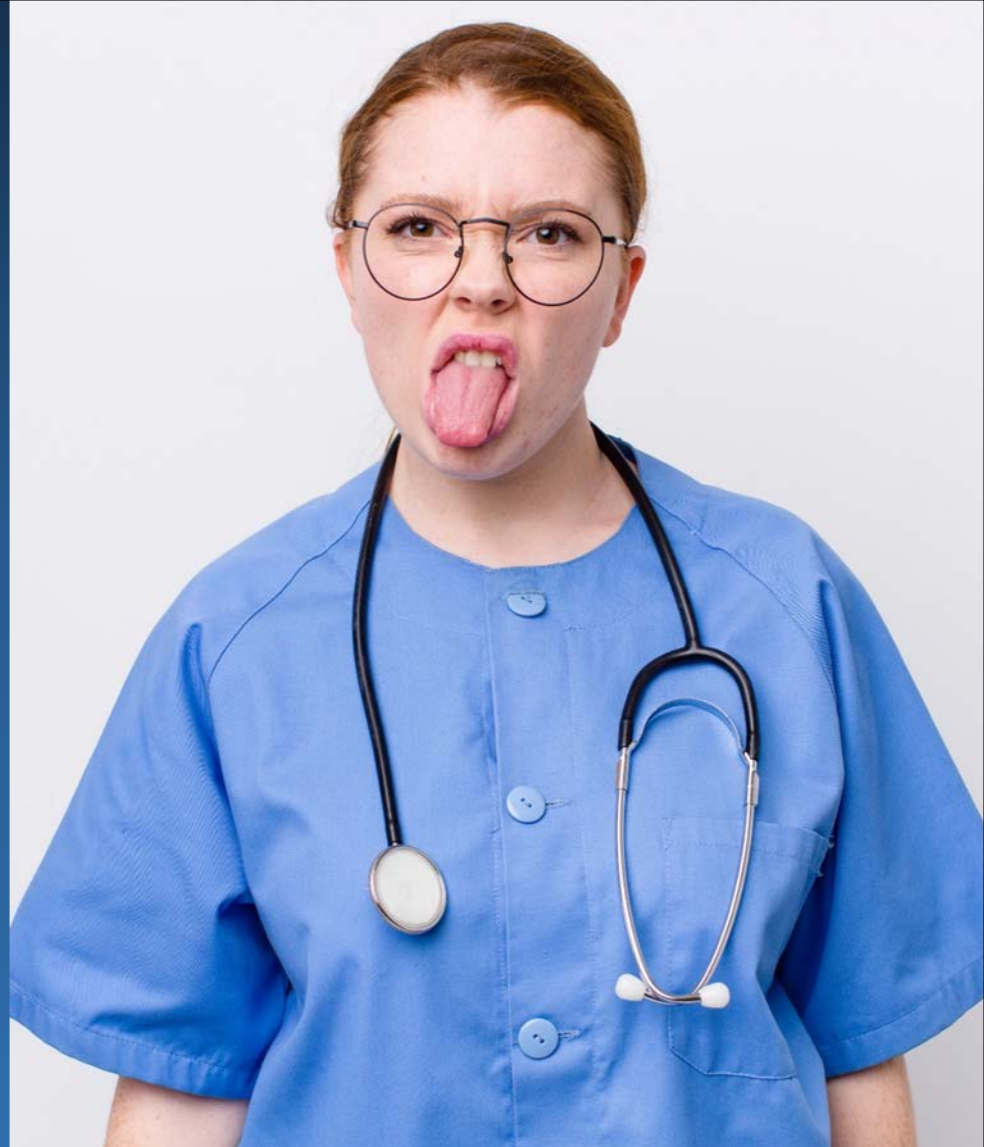
Provider Fouls

- **Treatment & Approach**
- **Documentation & Procedures**
- **Billing & Payment**

Potential Game Fouls: Provider

Treatment & Approach

- Not medically necessary treatment
- Not setting expectations for all
- Allowing atty to directing care
- Not detecting brain injuries
- Untimely specialist referrals
- No healthcare “on lien” team ready
- Misising MD referrals for extended treatment
- “Final” reports
- Patent flow middlemen





Potential Game Fouls: Provider

Documentation & Procedures

- Poorly written and unsigned Liens
- Allowing intake form inaccuracies
- Missing paperwork (e.g., concussion Qaire)
- Cut & paste documentation, not unique
- Incomplete diagnosis (missing injured body parts)
- Under documentation (time; all body parts injured)
- New: reliance on Artificial Intelligence (AI)
- Not storytelling (“S”) using ADLs
- Diagnosis, notes and treatment disconnect
- Holding medical records hostage

Potential Game Fouls: Provider

Billing & Payment

- MedPay/PIP neglect
- Lack of bill transparency
- Not sending bills to patients
- Upcoding and false charges
- Illegal kick-backs (Stark Laws)
- Never getting fully paid
- Huge cash discounts
- Attorney referral machines





Where does your
business currently
stand?



**The NEW
Game Foul:**
The No Surprises Act

The New Normal

New patient consent requirement

New advanced pricing disclosures so patients can shop


New good faith estimate (GFE)

New processes for staff, e.g., timely GFEs to patients

New patient dispute process and a new adjudicating body

New training for staff and owners, and staying updated

New ambiguity, confusion, misuse

A hand with light pink nail polish holds a magnifying glass with a black handle and a gold-colored frame. The magnifying glass is positioned over the text 'What is the NSA really doing?' which is centered on a purple background. The text is in a bold, white, sans-serif font.

**What is the
NSA really
doing?**



Protecting
consumers
from surprise
medical bills



Consumers can shop
for a better deal

01

January 1, 2022

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Good Faith Estimate

[Provider/Facility 1] Estimate

Provider/Facility Name		Provider
Street Address		
City	State	ZIP
Contact Person	Phone	Email
National Provider Identifier	Taxpayer Identification N	

Details of Services and Items for [Provider/Facility 1]

Service/Item	Address where service/item will be provided [Street, City, State, ZIP]	Diagnosis Code [ICD code]	Service Code [Service Code Type: Service Code Number]	Quantity

Total Expected Charges from [Provider/Facility 1] \$

Additional Health Care Provider/Facility Notes

OMB Control Number [XXXX-XXXX]
ExpirationDate [MM/DD/YYYY]

[NAME OF PROVIDER OR FACILITY]

Good Faith Estimate for Health Care Items and Services

Patient		
Patient First Name	Middle Name	Last Name
Patient Date of Birth: ____/____/____		
Patient Identification Number:		
Patient Mailing Address, Phone Number, and Email Address		
Street or PO Box		Apartment
City	State	ZIP Code
Phone		
Email Address		
Patient's Contact Preference: <input type="checkbox"/> By mail <input type="checkbox"/> By email		
Patient Diagnosis		
Primary Service or Item Requested/Scheduled		
Patient Primary Diagnosis	Primary Diagnosis Code	
Patient Secondary Diagnosis	Secondary Diagnosis Code	

1

CMS Administration & PIME Help

CMS Federal Online NSA Portal:

cms.gov/nosurprises

CMS NSA Help Desk:

800-985-3059

CMS NSA Email:

Providers_enforcement@cms.hhs.gov

PI Made Easy (PIME) NSA Intensive:

michael@pimadeeasy.com



Game Fouls Penalties

Don't Get Penalized!

(cause and effect)


- Licensing body interventions
- Referral to Special Investigations Unit (SIU)
- Civil or criminal actions (including new PIP litigation)
- Chasing judgment proof patients
- Social media backlash (HIPAA risks with responses)
- NSA PPDR dispute processes (risking bills/repays)



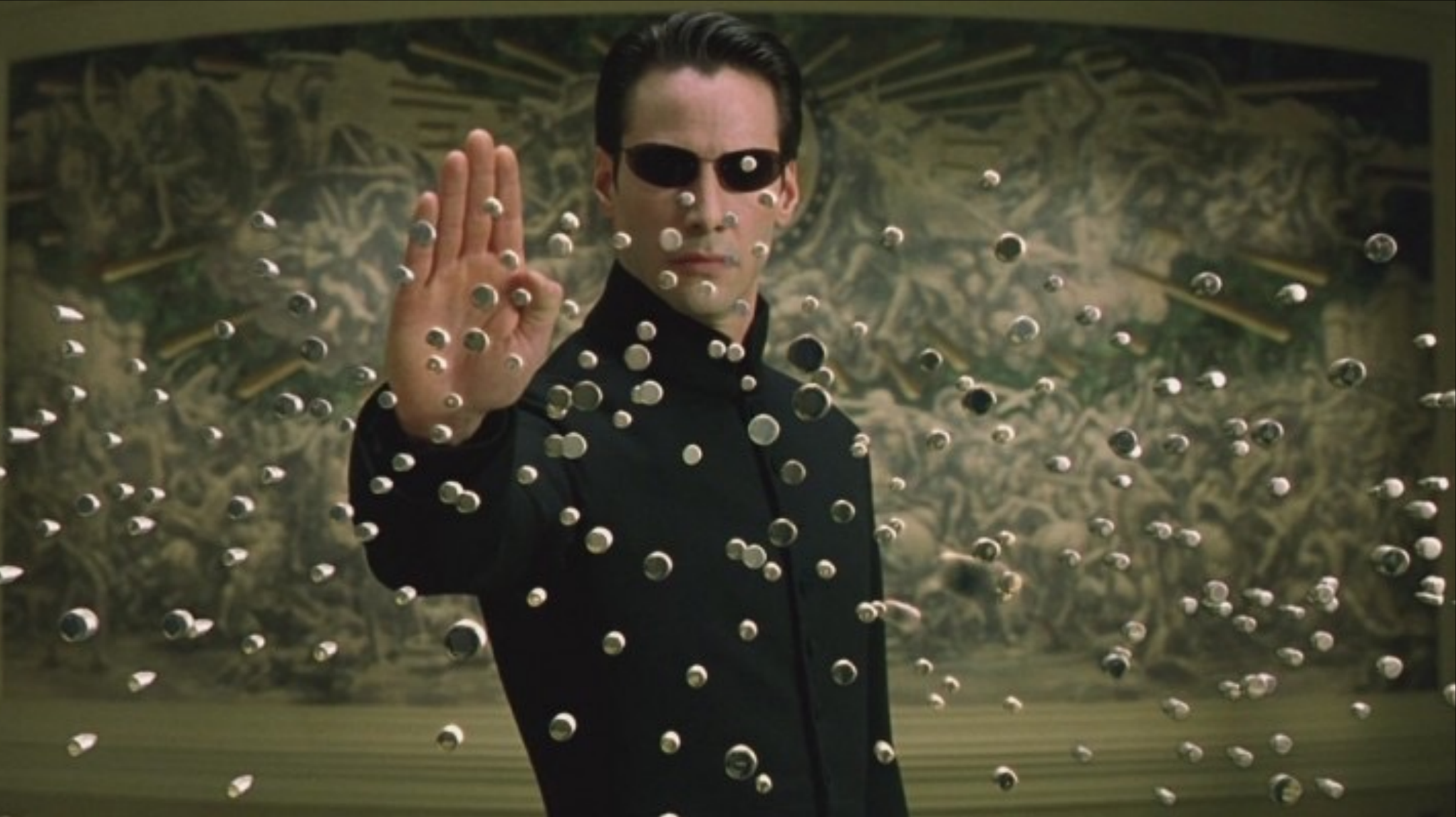
Game Foul Prevention

A man in a dark suit, white shirt, and sunglasses is talking on a mobile phone. He is holding the phone to his ear with his right hand. The background is a blurred city street with other people and buildings. The entire image has a blue tint.

**What is your best
protector in a PI case?**

A man with a beard, wearing a grey suit jacket, is pulling open a red t-shirt. The t-shirt has white, distressed text on it. The background is a blurred, warm-toned motion blur.

**THE RIGHT
LEN
OR LOP**



Does your lien form
or LOP measure up?





*Patient owes
the full bill
regardless of
the outcome
of the case.*

“Attorney has a **fiduciary duty** to Provider.”



2

Documents Required

- 1. Copy of Valid Trade License.
- 2. Copy of Chamber of Commerce / Incorp
- 3. Sponsor Passport / Identity Card
- 4. Copy of Document showing authorised signatory
- 5. Payment Cheque, undated (amount to be decided at the time of bank sign)

Company Stamp

Accounts Manager.....

Managing Director.....



*“Provider will be promptly paid all **MedPay** issued on Provider’s bill **without attorney fee deductions.**”*



Who loses when fees are taken out by the attorney?

**Standing up for your
business rights ...**

**Is standing up for
your patients too!**





**Guidelines
for a
Win-Win**



Full Transparency by All



Communicate, constantly



Document everything



Detailed, compliant paperwork



Be Timely

**Assemble a comprehensive
“go to” Lien Medical Team**



Layout all expectations



**Follow up quarterly with
both atty and patient**



Spot the game fouls



Don't just accept game fouls: ACT!



**Realize attorney ethics rules
protect medical providers**



**List contingencies/ assumptions
on all lien reductions**



Work together (not against each other)

Follow up until the final whistle blows!



Where do you stand
after today?

In Conclusion Remember...

- ALL Players have legitimate interests
- Never ASSUME
- ABLPP: Always Be Learning, Prepared & Proactive
- Help – Act with Integrity – Know your rights
- Stand up for yourself, your staff and your patients
- Don't accept Game Fouls & Act!
- Take advantage of built-in collaboration in PI & the NSA
- You are both a MP and a Business Owner
- If you need help, get help! (FCA, Peers, Coaches)

SPORT NEWS

TEAM HAS MADE IT TO THE TOP LEAGUE

REPORT

VERY FUNNY VIRAL CAT VIDEO BLEW THE INTERNET

**You can
thrive and
not just
survive**





**INVESTING
IN YOURSELF**

Gain: **More** Knowledge

Gain: **More** Strategies

Gain: **More** Tactics

Gain: **More** Tools

Gain: **More** Profits

Better. Faster. Easier.

Learn More. *Help is Here.*

**Take the
next step**

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COACHING & TOOLS