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COPELAND & BIEGER, P.C., SCORECARD

MARCH 2010

The winter season is hopefully coming to an end, but we have progressed or concluded several cases this year:

- We settled a motor vehicle accident claim against an employee of MSHA who rear-ended our client for \$310,000. This case was brought in federal court under the Federal Tort Claims Act.
- We successfully concluded two mediations that recovered funds for our client: one involving a dispute over ownership of an automobile dealership in Kingsport, Tenn., and the other involving an automobile represented to be a Jack Roush Mustang that was misrepresented by the dealer. Both cases involved fraud committed against our clients.
- We are involved in an interesting case to protect a man from deportation. We successfully protected him from losing his family, business, and home. See the article "Noncitizens present special issues" below.
- Our new whistleblower case is going forward with the government filing suit. We expect this case to be important to establish that our clients were wrongfully terminated from their employment and the children were not properly treated by Keystone Marion Youth Center. See the article from the *Bristol Herald Courier* on the back page of this newsletter.



Robert Copeland



Daniel Bieger

Copeland & Bieger, P.C.
Attorneys At Law

212 West Valley Street

P.O. Box 1296

Abingdon, VA 24212

276-628-9525

FAX: 276-628-4711

e-mail:

mail@copelandbieger.com

Web site:

www.copelandbieger.com

Noncitizens present special issues

Recently we had the opportunity to represent a man from a foreign country who was arrested for a minor infraction. His trial attorney agreed to a one-year suspended sentence on the assumption that it was a very light sentence and a good deal.

There are unique problems that arise for people who are not citizens of the United States. If a court has jurisdiction over a noncitizen for longer than six months, then they are subject to immediate deportation. A suspended sentence qualifies as a trigger for deportation.

In this case, we were able to correct the previous plea deal that was made and change it from a 12-month suspended sentence to a 6-month suspended sentence, thereby saving the gentleman from deportation. Further, we were able to keep his business intact and his wife and small children together.

We take your family's safety and security personally.

Medical ID THEFT

Safeguard yourself against this fast-growing crime.

In 2008, more than a quarter million Americans were victims of medical identity theft, a fast-growing crime. They discover theft when they receive large, unpaid bills for out-of-state emergency-room visits or air-ambulance charters in foreign places.

A victim is hurt when an unscrupulous wrongdoer steals their Social Security number and health insurance information, such as member identification and group policy numbers.

The perpetrator sells this information to someone who needs medical treatment or who works with a clinic or health-care supplier that colludes in fraudulent billing.

Unlike ordinary identity theft, few safeguards exist to detect fraud. Unlike credit-card theft, the victim's liability may not be capped at \$50.



To protect your records:

- Secure your health insurance cards.
- Examine claims statements closely.
- Scrutinize "Explanation of Benefits" reports.
- Ask for an annual benefits summary from your health insurer.
- Check your credit reports.
- If you are a victim, file a police report.
- Consult an attorney.

Roof-crush vehicle ACCIDENTS

To minimize injuries in a collision or rollover, automakers have a legal duty to design and construct car, truck, and SUV roofs that provide structural protection to drivers and passengers. Sadly, that's not always the case.

Partial quadriplegia

A 16-year-old was a belted front-seat passenger in a 1998 Ford Explorer rollover accident. She suffered a spinal fracture and head injury that caused partial quadriplegia, memory loss, and impaired ability to organize and process thoughts. She has limited use of her arms, uses a wheelchair, and requires assistance with daily living activities. Injury to her lungs paralyzed torso muscles, so she trained herself to breathe using her diaphragm. Her past medical expenses totaled about \$1 million, and future life-care costs are estimated at \$20 million. Her attorney sued, alleging the Explorer's roof was not crashworthy and could not withstand the impact of a foreseeable rollover collision. The parties agreed to a confidential structured settlement before her suit was filed.





When jury duty is an economic burden

CREDIT REPORTS *and auto insurance*

Our firm believes that every citizen should serve as a trial juror to safeguard everyone's liberty, rights, and property. Most jurors on criminal or civil cases find their experiences rewarding and agree to serve again.

Believe it or not, your credit score can affect your auto insurance rates. What's a credit score? It's a risk rating calculated from credit reports using special mathematical formulas. Lower scores result from paying bills late, having few or no credit references, or poor credit-card practices. Even fiscally responsible consumers suffer premium increases of more than 100 percent when insurers credit-score them. For 34 years, Mattie Grainger from South Carolina insured her autos with Allstate. She had a perfect driving record, few insurance claims, and enjoyed safe-driver discounts. Yet Allstate raised her premiums, telling her she didn't qualify for a lower rate because of a low credit score. Grainger's credit score was low because she simply didn't need extensive credit. Many argue that applying credit-scoring in preparing insurance quotes or policy premiums is inherently unfair. We do, too.

During hard economic times, however, many who are summoned to jury service may face severe fiscal insecurity. If you believe jury duty will harm you financially, you can ask a judge to excuse you from service. Here are some examples:

- You are unemployed and need to look for work.
- You were recently employed and cannot take time off now.
- You will miss a mortgage payment because of lost time at work.
- Your employer, who used to pay for jury-service days, can no longer afford to.

There's a proviso: When the economy recovers, you accept the call to serve as a juror.



Sexual harassment at work...STILL ILLEGAL

Half of all sexual-harassment lawsuits are filed in companies with fewer than 200 employees. This illegal conduct usually occurs when someone with power and authority introduces an unwelcome sexual element, unrelated to an employee's work, into the relationship. Harassment may take the form of verbal comments, physical brushing or touching, e-mail abuse, a hostile work environment, retaliation, or even firing.

Please contact an attorney for assistance with sexual-harassment issues.

A case in point

A female overnight shipping-firm employee sued her employer, claiming that her male supervisor retaliated against her after she resisted his kissing her at an outside-office event. A jury awarded significant punitive damages when her attorney proved the supervisor gave her undesirable work schedules and late paychecks after the harassment.



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Attorneys At Law
212 West Valley Street
P.O. Box 1296
Abingdon, VA 24212

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They call it insurance?

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The information included in this newsletter is not intended as a substitute for professional legal advice. For your specific situation, please consult the appropriate legal professional.

Federal, state prosecutors join suit against Keystone Marion Youth Center

By Michael Owens, *Bristol Herald Courier*

Federal and state prosecutors have jumped on board a 2007 whistleblower suit leveling Medicaid-fraud accusations against a Marion, Va., inpatient psychiatric counseling center for boys.

Keystone Marion Youth Center is accused of falsifying medical records and holding patients longer than necessary to bill for more money, according to a suit filed Tuesday by federal and state prosecutors.

Instead of treatment planning and "acute treatment" as required by federal and state law, defendants operated the program like a juvenile detention facility, the federal claim states.

The lawsuit asks that a civil jury determine both the amount of compensation owed to Virginia's Medicaid system, and fines for each false claim alleged.

The center is accused of:

- Falsifying the medical records of at least 21 patients since October 2005.
- Aggravating patients to exacerbate their condition so Medicaid can be billed for longer stays and more intensive counseling.
- Initiating "drive-by" therapy sessions that consist of brief hallway run-ins with patients, but later billed as lengthy meetings.
- And stretching patient admissions longer than necessary.

Also listed as a defendant is the center's owner, Universal Health Services Inc., based in King of Prussia, Pa., and subsidiary Keystone Marion LLC, based in Nashville, Tenn.

Keystone Marion Youth Center denied the allegations by e-mail Wednesday, and vowed to fight the case.

"It is offensive and defamatory to the dedicated and hardworking healthcare providers at Marion Youth Center to claim that they are not providing medical care and treatment and to disparage those individuals by asserting Marion is a detention center," the statement said. "Nothing could be further from the truth."

Though prosecutors filed the lawsuit Tuesday, court records show the investigation follows a 2007 whistleblower suit filed by three of the center's former therapists.

Along with claims of fraud, records show that Megan L. Johnson, Leslie L. Webb, and Kimberly Stafford-Payne also claimed sexual and racial discrimination in their 2007 suit.

The new suit lists the women as co-plaintiffs alongside the United States and Virginia, and would share a percentage of any jury award.



Stop-sign accidents

According to Insurance Institute for Highway Safety 1999-2000 research estimates, nearly 700,000 vehicle accidents occurred at stop signs. About a third involved personal injuries.

Drivers who failed to stop at stop signs or who stopped at stop signs but failed to see oncoming traffic accounted for approximately 70 percent of all automobile accidents.

Broadsided

After being broadsided by another vehicle that ran a stop sign, a driver suffered multiple serious injuries that required her being placed in a drug-induced coma for several months, followed by six months of rehabilitation and physical therapy. Unable to ever work again, she enlisted the services of an attorney who filed suit against the responsible driver. A jury awarded significant damages.