



# The People's Lawyer®

"I May Not Handle Every Injury Claim In Northeast Florida... But I Sure Am Gonna Try!"®

**News From Accident Lawyer John Fagan**

**1-844-JOHN-411**

Car & Motorcycle Accidents | Dog Bite | Nursing Home Neglect | Slip & Fall | Workers' Comp



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**We Love Referrals!**

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*I thought you might want to know:*

## Federal Law May Protect Urgent-Care Patients

The Emergency Medical Treatment and Active Labor Act, or EMTALA, is a federal law that was put in place to make sure hospitals don't "dump" emergency patients who may be indigent or uninsured by refusing to examine or treat them or by sending them to other hospitals. Instead, EMTALA requires that hospitals thoroughly screen all patients who report to emergency rooms and, if they are found to have a serious medical condition, to properly stabilize them before transferring or releasing them.

Hospitals that fail to comply can be hit with significant fines. Additionally, the patient may be able to bring the hospital to court, obtain damages and have his or her attorney's fees paid.

Plus, depending on the state, patients may have more time to bring a claim under EMTALA than they would have to bring a standard malpractice claim in state court.

Now a recent ruling by a federal judge in Rhode Island suggests that EMTALA covers not only emergency-room visits, but also off-campus urgent-care clinics that are affiliated with hospitals.

*If you or someone you know has been injured in an accident, call me for a free consultation. 1-844-JOHN-411 (1-844-564-6411)*



In that case, a 49-year-old woman reported to the urgent/walk-in care clinic at a local hospital complaining of severe chest pain and pain in her right arm. Shortly beforehand, she'd texted co-workers that she was going to the "ER" to get checked out for possible heart-attack symptoms.

The doctor diagnosed her with reflux and she was sent home with a "gastrointestinal cocktail." She died the next day of cardiovascular disease. Her estate sued the hospital that operated the clinic for both malpractice and for violation of EMTALA.

The hospital tried to get the case thrown out, arguing that EMTALA didn't apply because the clinic wasn't an "emergency care facility." But the judge disagreed, finding that because it held itself out as treating emergency medical conditions on an urgent basis without a scheduled appointment, it fit the definition. In fact, the court said, this particular patient, based on her texts to co-workers, thought she was going to an ER when she visited the clinic. Thus her estate's claim could proceed.

**A MOTHER  
IS SHE WHO CAN  
TAKE THE PLACE  
OF ALL OTHERS  
BUT WHOSE PLACE  
NO ONE ELSE  
CAN TAKE**

The very first Mother's Day was May 10, 1908 in Philadelphia, Pennsylvania.

The modern holiday of Mother's Day was first celebrated in 1908, when

Anna Jarvis held a memorial for her mother in Grafton, West Virginia. She then began a campaign to make "Mother's Day" a recognized holiday in the United States. Although she was successful in 1914, she was already disappointed with its commercialization by the 1920s.

Jarvis' holiday was adopted by other countries and it is now celebrated all over the world. In this tradition, each person offers a gift, card, or remembrance toward their mothers, grandmothers, and/or maternal figure on mother's day.



### Memorial Day

**Monday, May 28, 2018**

Memorial Day is officially celebrated on the last Monday during the month of May.

The roots of Memorial Day observance, goes back to 1865 and the end of the Civil War. Memorial Day was first called Decoration Day. It was changed to Memorial Day in 1882.

Memorial Day is dedicated to our service men and women who gave their lives for our freedom and country. It is also a time to remember loved ones who have passed away.

## How Do Insurance Companies Sniff Out Fraud?

*Insurers need a way to sniff out the potentially fraudulent injury claims from the legitimate ones.*

*The fishy-looking ones get sent to the Special Investigation Unit for further inquiries.*



Here are some telltale signs of fraud that insurers look for and which you should avoid, lest the insurer suspects your case is not entirely honest:

- Poor identification: The claimant cannot produce solid, reliable identification.
- Sketchy, unconfirmable address: The claimant cannot provide a permanent address and instead uses the addresses of friends or P.O. boxes for all communication.
- Avoiding the postal service: The claimant tries to avoid mailing documents and instead hand-delivers documents, likely because the claimant is aware of mail fraud laws.
- Whether it's fair or not, insurers are more skeptical of claimants who experienced financial difficulties prior to the accident, as they have more of an incentive to fabricate or exaggerate a claim for a higher payout.



## Banana Pudding Squares

### Ingredients

- 35 vanilla wafers, finely crushed
- 1/4 cup margarine, melted
- 8 oz. cream cheese, softened
- 1/2 cup powdered sugar
- 8 oz. cool whip, thawed, divided
- 3 bananas, sliced
- 2 vanilla instant pudding (1 oz each)
- 3 cups cold milk
- 1/2 oz. semi-sweet chocolate, grated

### Directions

- Mix wafer crumbs and margarine; press onto bottom of 13x9-inch dish. Refrigerate until ready to use.
- Beat cream cheese and sugar in medium bowl with whisk until blended. Stir in 1-1/2 cups cool whip; spread over crust. Top with bananas.
- Beat pudding mixes and milk with whisk 2 min.; spread over bananas. Top with remaining cool whip and chocolate. Refrigerate 3 hours.