



**Thank you for your Submission!  
In this White Paper, You Will Learn  
What To Do If You Are In a Car Accident**

**If you have any questions about the steps in this article, please contact us at  
[info@pptandfitness.com](mailto:info@pptandfitness.com)  
<http://www.pptandfitness.com>**

In the event you are involved in a car accident in Delaware there are certain steps you must take to properly protect both your physical condition and your right to compensation. These two rights are intertwined and necessary to make you whole again after you have been injured. Many times the injuries stem from the carelessness of another driver and you should not be afraid to make a claim against the other driver's insurance policy. The following steps are necessary to ensure you are in compliance with Delaware's statutory requirements for medical treatment and legal representation.

**1. Assess the situation**

After the accident you are likely going to be experiencing shock while your body processes the concussive forces you just experienced. Just like how a football player needs to be taken out and examined by team doctors after a big hit, you must take care to take a moment and assess your injuries. For obvious reasons, if your motor vehicle remains in harm's way then try to reach a safer vantage point. Otherwise you should remain in your seat and await emergency response. If you are in a rural area then call 911 and await their arrival.

**2. Emergency Medical Response**

If you need to be taken to the nearest hospital due to the severity of your injuries then go immediately. It is recommended that all individuals who are involved in an accident go to the hospital. Many times individuals do not feel pain, soreness, or ligament strains in the moments following a car accident because their adrenaline has shocked their system and numbed the pain. However, more times than not

the pain will set in over the coming days and become progressively worse until medical attention is required.

Going to the hospital is also necessary from a legal standpoint. Your attorney will need to document your entire medical history relating to the accident when sending your demand package to the other driver's insurance company. As a quick aside, a demand package is a synopsis of your medical treatment, theory of liability, and monetary sum issued by your attorney to an insurance adjuster to settle your case. By having a record of your injuries, treatment, and assessment noted by a medical professional shortly after the accident, your attorney will be able to create the clearest picture possible for the insurance adjuster reviewing your demand package and thereby likely increasing the value of your bodily injury claim.

### **3. Emergency Police Response**

Under Delaware law, a police report is strongly recommended. In fact, from a legal point of view, this is the most important document in your entire case.

A police report will document the who, what, where, when, how, and why by an independent third party with no interest in the outcome of the accident. You could tell your insurance company exactly what happened without any hesitation, but if the other driver says something different to their insurance company it will become a he-said she-said situation and you will have a liability dispute on your hands.

In any legal case there are two stages. The first stage is the "liability" stage. This is the determination as to who is at fault. The police report is the key to this stage because it will state who is at fault for the accident, how the accident happened, and what tickets were issued so the liability stage can be established. The second stage is the "damages" stage and that concerns the type of medical treatment necessitated by the accident.

For an individual to bring a claim against another driver's insurance policy you do not need a police report, but it will place your case in severe jeopardy if you do not have one. The reason for this danger is if the other driver does not have insurance. Under Delaware law, if the other driver does not have an active liability policy, you were involved in a hit & run, or some other phantom driver situation -- if you do not have a police report then you cannot pursue a liability claim against your insurance company.

Under your policy you will have the option of purchasing Uninsured/Underinsured motorist coverage. If you purchase this type of coverage then you will be able to make a claim under your own insurance policy and your insurance company will be required to stand in the shoes of the uninsured driver who hit you.

### **4. Medical Treatment**

Now that you have a police report documenting the accident you can begin treatment. There are three levels of treatment to be considered with any accident. The level of treatment will be directed by the level of injury, however, it is best to start with the most conservative treatment and advance to higher levels when that treatment does not get you entirely back to where you were before the accident. Now,

for obvious reasons, if there is a rotator cuff tear or some other significant injury that can only be mended through surgical intervention when it will be necessary to discuss that with an orthopaedic surgeon or other Delaware specialist.

Under Delaware law, your medical treatment will be paid for by your insurance company. As a Delaware driver the burden has been placed on you to buy adequate protection in the event of a car accident. Your attorney will only be able to pursue the liability policy from the other driver for your pain, suffering, and inconvenience – the remainder would need to be pursued under your own policy. That is why it is recommended that every Delaware driver purchase \$100,000/\$300,000 in Personal Insurance Protection (PIP). However, many individuals only buy the state minimum of \$15,000 in coverage, which generally does not cover all the expenses relating to the ambulance, emergency room, MRI, physical therapy, medications and other treatment. If you exhaust your PIP coverage you may be responsible for paying your medical providers out of your future settlement.

Assuming your injuries do not require immediate surgical intervention, you should begin with conservative level one treatment, which will consist of physical therapy. Physical therapy has been shown to be extremely effective treatment in assessing the musculoskeletal and ligamentous injuries commonly involved in a car accident. Physical therapy will also hold substantial weight when your insurance adjuster is evaluating your demand package at the conclusion of your medical treatment. The more treatment you have, the higher the value of your case. It is common for injured individuals to have a few months of physical therapy after an accident. An estimated average would be roughly six months of treatment with a continually decreasing number of appointments per week until a patient has reached a “only as needed” basis or home exercises only.

In many cases physical therapy will reduce the majority of the pain associated with a car accident. Your physical therapist should be sure to send you to a have a MRI a few weeks after the accident. An MRI is the gold standard in regards to objective diagnostic tests (versus CT scans, CAT scans, or x-rays). An MRI will show any number of spinal and orthopaedic injuries such as:

- a. herniated spinal discs
- b. tearing of spinal discs
- c. protruding and/or extruding spinal material
- d. ligament strains/sprains
- e. ligament tears
- f. bone fractures
- g. narrowing of the spinal canal

Any of these injuries would require physical therapy and the MRI report will serve to increase the value of your potential case as you will have an objective test that identified abnormalities following your motor vehicle accident.

## **5. Legal Representation**

At the beginning of your medical treatment you should contact a local personal injury attorney who specializes in handling car accident cases. A trial attorney will be able to set up a initial consultation to discuss the facts surrounding the accident, retain the police report on your behalf, put the insurance

companies on notice of a claim, and begin creating an investigation file which documents your medical treatment relating to the accident.

Most importantly, a knowledgeable attorney will be able to maximize the amount the insurance company is willing to offer when settling your claim. It is very common for insurance companies to offer \$1,500 or less after an accident no matter the injuries involved. Many times the actual value of the claim is multiples of the offered amount and if surgery is involved then the value of the claim could be considerably more.



This White Paper was written by Michael Minuti of McCann & Wall, LLC; Attorney at Law.

To Learn More about Michael Minuti, His Education, Areas of Practice and More, visit <https://www.mccannwallinjurylaw.com/our-attorneys/michael-p-minuti/>