High court ruling may hike medical bills

BY TIM RICHARD
STATE WARES

Auto insurers aren't liable for meglical benefits until an injured person has tried to collect all of his or he health benefits, the Michigan Supreme Court has ruled in three major cases.

The result: Injured persons may have to pay heavy medical bills — especially when they have used doctors outside the system paid for by their employers.

"Henceforth, you have a burden," said Wayne Miller, a Birmigham attorney who represented two of the plaintiffs. "If they they have a burden," and the system fair very troubling.

"The Supreme Court justices ard seven general 'practitioners, however bright, who are trying to practice in all the areas of law before them. I don't think the court appreciated the duress the plain.

tiffs (in auto injury cases) are un-der.

"The Supreme Court felt the only important matter was con-taining (insurance) costs. So they elevated cost-containment to the only important matter," Miller said.

"The high court midel 4.3 for

only important matter," rather said.

The high court ruled 4-3 for auto insurers in cases involving injured persons from Brighton, rural Jackson County and Detroit. The cases started in Southfield's District Court and Wayne County Circuit Court.

"We hold that a no-fault insurer is not subject to liability for medical expense that the insured's health care insurer is required, under its contract, to pay for or provide," said Justice Charles Levin, who wrote all three opinions citing section 3109 of the No-Fault Automotive Liability Act.

Act. Levin was joined by Chief Jus-

m 'Henceforth, you have a burden. If they (the health insurer) can't provide it, then you can go outside the system. It's very troubling.

> Wayne Miller Birmingham attorney

tice Michael Cavanagh and Justices Robert Griffin and Conrad Mallett Jr.

Out \$5,000

Wrapped

Fresh Daily.

Louise Ann Tousignant, 31, a former Northwest Airlines flight attendant from Brighton, is out \$5,000 for treatment of injuries suffered in a July 1987 auto acci-

dent.
"Tousignant was examined and treated after the accident for back and neck pain at the emergency room of Henry Ford Medical Clinic in West Bloomfield, an HAP

(Health Alliance Plan) facility. She was released with instructions to return if her back or neck pain continued," Levin sain.
"Instead of returning to the Henry Ford Medical Clinic or another HAP facility or physician, Tousignant sought treatment from a physician other than an HAP physician," said Levin. She received heat treatments for a year and dental services from unaffiliated doctors. She sought hayment from her auto insurer, Allstate.

After the case was moved up

payment from her auto insurer, Allstate.

After the case was moved up from Southfield District Court, Cakland County Circuit Judge Robert Templin ruled in favor of Allstate, was reversed by the Court of Appeals and uphold by the Supreme Court.

Levin said the legislative policy "requires an insured who chooses to coordinate no-fault and health coverages to obtain payment and services from the health insurer to the extent of the health coverage

available from the health insur-

er."
"Where this hurts," said David
Martin, Tousignant's attorney in
Southfield, "is when they have an
HMO chosen by the employer as
opposed to the best coverage."
His client now is a housewife and
mother.

Snafu with VA

A cottlier case involved Kenneth Owens, a young Coast Guardsman who suffered permanent brain injury in a December 1982 accident when his car hit atree. He was on leave and visiting his parents in rural Jackson County.

The Veterans Administration Hospital in Ann Arbor treated him until his discharge in June 1984. A VA neurologist recommended he go to Herrick Hospital in Tecumsch, where Owens ran up a \$110,000 bill for intensive rehabilitation therapy. Owens also got \$70,000 in treatment at Saline Community Hospital.

The VA did not identify another VA facility where Owens could get in-patient treatment. Then VA refused to pay. Owens' insurer also refused.

Said the Surreme Court:

Said the Supreme Court:
"Owens has the burden of establishing that the services rendered
by Herrick and Saline were 'al-

lowable expenses, and that 'rea-sonable charges' were there 'in-curred for reasonably necessary'.

curred for reasonably necessaloy services.

"Owens also has the burden of establishing that he sought to obstain appropriate services from the PA," the high court said.

Martin, Owens attorney, said's he would be hack before Wayn'te County Circuit Judge John Ha. Gillis in two weeks to meet those tests, "We start all over," Martin said.

At stake are \$180,000 in hospitatal bills plus interest for up 16 nine years.

Thoubled din.

nine years.
'Double dip'

Double dip'
The third case was what attorneys call a "double dip." George Yancey Jr. of Detroit was serious ly injured in an auto accident, Citizens Insurence Co. reducept in work-loss benefits by the amount of Social Security disability benefits Yancey received.
"We hold that Social Security disability benefits should be subtracted, the Supreme Court said, citing its 1979 rulling that Social Security survivors' benefits also are to be subtracted. The Supreme Court said, citing its 1979 rulling that Social Security survivors' benefits also are to be subtracted.

Boyle dissents
Justice Patricia Boyle dissent
ed in part and was joined by
James Brickley and Dorotby
Comstock Riley.

Police academy graduation scheduled:

Following three months of in-tensive training, the Oakland Po-lice Academy will graduate its Basic Police Training class Nov. 19. The academy is located at Oakland Community College's Auburn Hills Campus.

Some students enter the academy as officer trainees after they have been accepted for employment by a law enforcement agenev. The agency then sponsors the trainee in the academy's basic police program. In other cases, however, the students are accepted dirrectly, and then find employment after graduation.

"Our tracking studies show that more than 95 percent of our graduates find employment in the field of law enforcement," says police academy Director Richard Tillman.

Tillman.

Fifteen of the 51 students in this fall's graduating class are from law enforcement agencies in the greater metropolitan area, including Auburn Hills, Beverly Hills, Farmington Hills, Royal Oak, Warren and West Bloomfield Township, The Oakland County Sheriffs' Department was also represented. The other graduates are independent students

deemed certifiable by the state of Michigan.

Michigan.

Sommencement ceremonics be gin at 8 p.m. in the Oaktandi.

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The Auburn Hills Campus of CoC is located at 2900 Feathers stone Road, approximately two miles east of the Pontiac Silveriance. For further informational about the Oakland Police Acadea. my, contact police academy Di-rector Richard Tillman at 340-6663.



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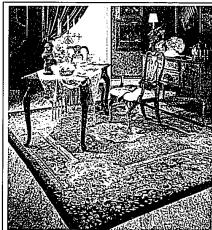
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