

SAFE HARBOR

A monthly newsletter for the Maritime worker
from

The Law Offices of Lyle C. Cavin, Jr.

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Thank you for your maritime service and taking the time to review our Newsletter. We at the Law Offices of Lyle C. Cavin, Jr. hope you find the following information helpful. If you have any questions regarding your rights or remedies please contact us at any time. We are here to serve you.



IS YOUR DOCTOR RELUCTANT TO TREAT YOU?



Although we have addressed this problem before, it bears repeating. Frequently, an injured maritime worker will be declined treatment by a chosen physician claiming that they do not treat "workers compensation" patients. In fact, the reason for this rejection is that state workers compensation programs limit what a health worker can charge for their services. Those fees are set by a frugal fee schedule.

Workers covered under the Jones Act or the Longshore and Harborworkers Compensation Act are entitled to have their treaters charge what is their "fair and reasonable", or customary charge for their services. This is often much more than the limits placed by workers compensation schemes. When this issue arises the health care provider should be asked to contact the injured workers employer to get clarification on their billing issues. Competent maritime counsel can intervene when this issue arises also.

QUESTION FROM THE BRIDGE

I was injured on a tanker last month and when I went to



see a recommended orthopedic doctor his office told me they don't handle Workers Compensation cases and if I wanted to be treated they would accept private insurance. I thought the shipowner had to provide treatment by a doctor of my choice?

Reginald, B. New Orleans.

Answer:

Reginald,

You are partially right about having your choice of a reasonable medical provider. However, your chosen doctor's office has to be made aware that they can charge reasonable and customary rates for their medical services. This will usually satisfy 95% of the doctors selected. Keep in mind, however, some doctors may still decline as they simply do not want to be bothered writing status reports or become involved in litigation depositions if your claim comes to that. Most likely, however, once they understand the billing arrangements they will cooperate.

About Our Law Firm

For more than four decades, merchant mariners, longshoremen, fishermen and harbor workers plying their trades at sea, on the docks, on our U.S. coastal waters and inland waterways have turned to the maritime law firm of Lyle C. Cavin, Jr. & Associates in Oakland. Today, we are proud to be recognized as one of the preeminent maritime law firms serving injured marine workers nationwide, as well as one of the most successful personal injury litigation firms serving victims of negligence in the San Francisco Bay Area and throughout the West Coast.

Team Approach to Every Personal Injury and Jones Act Claim

When you retain Lyle C. Cavin, Jr. & Associates for a Jones Act injury claim, or personal injury claim, you don't get just one attorney, you get our entire team of dedicated professionals. Our attorneys offer many years of courtroom and negotiated claims settlement experience. We will represent your interests with unwavering dedication, speed and expertise.

Law Offices of Lyle C. Cavin, Jr.

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