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## Collateral Source Rule Protects your Rights

*Legislature Seeks to Penalize Tennessee Residents for Being Responsible*

In Tennessee, if you are injured by a negligent driver, you can recover the reasonable value of the medical care you need to treat your injury. To uphold this right, Tennessee follows the Collateral Source Rule, the rule provides that an injured party's recovery cannot be reduced by payments or benefits from other sources. The Collateral Source Rule is a fair and important rule, because many people have health insurance that helps pay their medical bills. The Collateral Source Rule guarantees that negligent drivers cannot clam a "discount" on the damages they caused you, simply because you were responsible and bought health insurance for yourself and your family!



However, the Collateral Source Rule is now threatened in Tennessee. Insurance friendly special interests in our legislature want to take away the protection that the Collateral Source Rule provides to you. They want to allow negligent defendants to argue that they should pay less money in any case where they hurt someone who has health insurance.

For example, if you are in a serious automobile accident caused by a bad driver, your health insurance coverage may pay for the medical bills related to your accident. The bills are presumed to be the reasonable value of the care

Brought to you by  
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### Areas of Practice

- Automobile & Trucking Accidents
- Personal Injury
- Head Injuries
- Worker's Compensation
- Social Security Disability
- Wrongful Deaths
- Injuries Involving Defective Products
- Nursing Home Neglect and Abuse
- Employment Law





you received. However, your health insurance company sometimes may pay a discounted rate rather than the rates charged to you.

The insurance special interests want to change the law so that defendants will get the benefit of any discounts your health insurance received when paying your bills. Such a change would mean that an injured person who has worked hard, planned ahead and made sacrifices to obtain health coverage, disability insurance and other benefits would receive *less* for the same injury than someone who never bothered to buy insurance.

Furthermore, this evidence will confuse jurors. If the jury hears about health insurance discounts or “outside sources of payment,” it misleads them because the jury does not get to hear about offsetting costs and expenses, like the expensive premiums you had to pay for the coverage.

**Example of New Law in Action**

Let’s say you’re riding with a friend and a drunk driver runs a red light and causes you both to suffer severe injuries. You both have \$100,000.00 in medical bills from your injuries, but you have health insurance and your friend does not. Then your health insurance negotiates with the hospital and pays \$50,000.00 to cover your bills. Since your friend did not have health insurance, he gets to sue the drunk driver for the full \$100,000.00 in bills caused by the drunk driver.



However, your claim would be cut in half because your health insurance - which you pay for- negotiated a discounted rate for your bills. The drunk driver gets a \$50,000.00 discount because you bought health insurance.

We at Michael D. Ponce & Associates believe that protecting injured people is more important than protecting insurance companies and negligent drivers. That’s why we urge you to call your elected representative today and tell them to “Keep the Collateral Source Rule in Tennessee.”

**Benefits of the Collateral Source Rule**

- **Holds Wrongdoers Fully Responsible:** Wrongdoers (like a drunk driver causing a car crash) must now pay the full amount of damages and cannot receive any benefit that you paid for, like health or disability insurance.
- **Fully Compensates Injured People:** You get the recovery you are entitled to, and you are not punished for paying premiums by receiving a smaller recovery.
- **Preserves Insurance Benefits:** You receive full benefit from the premiums you paid for insurance coverage to protect yourself and your family. At the same time, those premiums don't benefit the wrongdoer.

**Please take a few moments to contact your legislators and preserve the Collateral Source Rule.**

**Act Now to Protect Your Rights!!!!**

**Take Action Resource Center**

Here is a list of the e-mail addressee and telephone numbers for the legislators in your area. Contact them and have your voice heard!!!!

**Civil Justice Subcommittee**

Rep. Jon Lundberg (R-Bristol)	<a href="mailto:rep.jon.lundberg@capitol.tn.gov">rep.jon.lundberg@capitol.tn.gov</a>	(615) 741-7623
Rep. Rick Womick (R-Rockvale)	<a href="mailto:rep.rick.womick@capitol.tn.gov">rep.rick.womick@capitol.tn.gov</a>	(615) 741-2804
Rep. Harry Brooks (R-Knoxville)	<a href="mailto:rep.harry.brooks@capitol.tn.gov">rep.harry.brooks@capitol.tn.gov</a>	
Rep. Mike Carter (R-Ooltewah)	<a href="mailto:rep.mike.carter@capitol.tn.gov">rep.mike.carter@capitol.tn.gov</a>	(615) 741-3025
Rep. Jim Coley (R-Barlett)	<a href="mailto:rep.jim.coley@capitol.tn.gov">rep.jim.coley@capitol.tn.gov</a>	(615) 741-8201
Rep. John J. Deberry Jr. (D-Memphis)	<a href="mailto:rep.john.deberry@capitol.tn.gov">rep.john.deberry@capitol.tn.gov</a>	
Rep. Vance Dennis (R-Savannah)	<a href="mailto:rep.vance.dennis@capitol.tn.gov">rep.vance.dennis@capitol.tn.gov</a>	(615) 741-2190
Rep. Andrew Farmer (R-Sevierville)	<a href="mailto:rep.andrew.farmer@capitol.tn.gov">rep.andrew.farmer@capitol.tn.gov</a>	(615) 741-4419
Rep. Ryan A. Haynes (R-Knoxville)	<a href="mailto:rep.ryan.haynes@capitol.tn.gov">rep.ryan.haynes@capitol.tn.gov</a>	
Rep. Sherry Jones (D-Nashville)	<a href="mailto:rep.sherry.jones@capitol.tn.gov">rep.sherry.jones@capitol.tn.gov</a>	(615) 741-2035
Rep. Mike Stewart (D-Nashville)	<a href="mailto:rep.mike.stewart@capitol.tn.gov">rep.mike.stewart@capitol.tn.gov</a>	(615) 741-2184

**Judiciary Committee**

Sen. Brian Kelsey (R-Gemartown)	<a href="mailto:sen.brian.kelsey@capitol.tn.gov">sen.brian.kelsey@capitol.tn.gov</a>	(615) 741-3036
Sen. Doug Overbey (R-Maryville)	<a href="mailto:sen.doug.overbey@capitol.tn.gov">sen.doug.overbey@capitol.tn.gov</a>	(615) 741-0982
Sen. Stacey Campfield (R-Knoxville)	<a href="mailto:sen.stacey.campfield@capitol.tn.gov">sen.stacey.campfield@capitol.tn.gov</a>	(615) 741-1766
Sen. Mike Bell (R-Riceville)	<a href="mailto:sen.mike.bell@capitol.tn.gov">sen.mike.bell@capitol.tn.gov</a>	(615) 741-1946
Sen. Lowe Finney (D-Jackson)	<a href="mailto:sen.lowe.finney@capitol.tn.gov">sen.lowe.finney@capitol.tn.gov</a>	(615) 741-1810
Sen. Ophelia Ford (D-Memphis)	<a href="mailto:sen.ophelia.ford@capitol.tn.gov">sen.ophelia.ford@capitol.tn.gov</a>	(615) 741-1767
Sen. Todd Gardenhire (R-Chattanooga)	<a href="mailto:sen.todd.gardenhire@capitol.tn.gov">sen.todd.gardenhire@capitol.tn.gov</a>	(615) 741-6682
Sen. Mark Green (R-Clarksville)	<a href="mailto:sen.mark.green@capitol.tn.gov">sen.mark.green@capitol.tn.gov</a>	(615) 741-2374
Sen. John Stevens (R-Huntingdon)	<a href="mailto:sen.johns.stevens@capitol.tn.gov">sen.johns.stevens@capitol.tn.gov</a>	(615) 741-4576

*We take your family’s safety and security personally!!!*

