

# After The Car Crash!



***A Pocket Guide to  
Recovering Your Health  
and Protecting  
Your Rights!***

**Christopher J. Quigley, D.C., C.C.S.T.**

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ISBN: 978-1-944721-58-9

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# You Just Got Into A Car Accident. What Should You Do?

## Step One: Safety First

- Stop as close as you can to the crash site and turn off your car. If you are able, you want to make sure that everyone is safe. Check everyone in your car and anyone else involved in the collision.
- Are the vehicles in a safe place?
- Does anyone need immediate medical attention? Unless there is an urgent danger, do not move any injured people.
- As soon as you have completed your survey, call 911 and report the collision, location and injuries as best you can.
- Wait for the police to arrive. Do not leave, and insist that the other driver(s) remain at the scene.
- Do not admit fault even if you think you're wrong. The other person may be at fault according to the law. (When I was in college, my car died in the middle of a busy road and I was slammed into by another car. I felt it was my fault because my car died. However, it was the other persons fault because they were traveling too fast to stop in time).

- Do not discuss the accident with the other person. Focus on safety and getting help.
- Do not tell the police officer that you are uninjured; tell him/her that you will go to your doctor to determine if there are any injuries.
- Do not accept any immediate payment. Sometimes the other person who is at fault will attempt to pay you off on the spot to keep the accident off the record. Do not go there. There are still too many variables to determine. For example, there may be hidden damage to you or your car.<sup>1</sup>

## **Step Two: Cooperate with the Police**

The police are trained to handle all the details of an accident. Tell the officers how the accident happened. Fully describe the events that led up to the crash and those that followed after. The police should document what you told them in the police report. Always read it at your first opportunity. The police can also help with the next order of business.<sup>2</sup>

## **Step Three: Record Information**

Document as much as you can about the other driver and the facts of the accident.

Important details include:

- Driver's name, address, driver's license number and license plate number
- Passenger names and contact information
- Driver's employer and work phone
- Car make, model and year
- Name of the registered owner of the car — it may not be the driver
- Insurance company name, agent name and policy number (here in Massachusetts, most of this information is on the registration)
- Where and when the accident happened
- Road conditions
- Traffic controls
- Witnesses: Get their names and phone numbers. (This can be one of the most helpful items. These people will be highly thought of by the insurance companies if the versions of the accident disagree between the drivers as to what happened in the accident.)
- Any symptoms?
- Any statements the other driver makes, even if it is "I'm sorry" or "I didn't see you"
- Make a sketch of the collision showing the direction of all vehicles, position at the time of impact, debris, skid marks, etc.

If you have a camera phone, take pictures of everything — the vehicles, the license plates, the licenses, damage to the cars, even skid marks if you are able.

As soon as is practical you should fill out an Operator's Report. This can be downloaded at: <http://www.massrmv.com/Portals/30/docs/21278.pdf>.



This is for Massachusetts residents, but other states have similar options. You could always fill this one out first while researching where to get the form for your state. The sooner you complete these steps the better, while your memory is focused on the events.

## **Step Four: Notify your Insurance Company**

Inform them of any injuries to you or your passengers. Remember that many times pain from these injuries may not happen for several hours or days after a collision. Do not volunteer much information here. Keep it simple. “I was in an accident, and my passenger and I have been hurt and we are going to the doctor.” Your insurance company may want other information, however you are not an expert in handling these situations. Leave it to a professional.<sup>3</sup>

## Step Five: Seek Medical Attention

This is a critical aspect of your recovery from injury. A quote from a highly respected attorney Richard Adler in his book, *Injury to Action*:

*“If you are injured in a motor vehicle collision, it is in your best interest to seek medical attention as soon as symptoms appear.”<sup>4</sup>*

Unfortunately, most of us are trained to minimize our injuries. **FIGHT THIS URGE!** As soon as any complaints of pain arise, even if they are minimal, you need to document these injuries. The best way to document them is to seek medical attention and be detailed with your descriptions to your physician. Make sure they are documented in the health care record.

Take photos of any bruises, abrasions, lacerations, redness, swelling, etc. Make sure to closely examine your face, neck, hands, arms, trunk, breasts, abdomen, knees or any other areas that hurt.<sup>5</sup>

An easy way to document your experience is to keep a diary. Important details to note include:

Describe how the injuries affect you at:

- Work
- Household routines
- Recreational activities
- Child care
- Personal care
- Relationships with others
- Driving
- Sitting, standing, lying down
- Getting into and out of a chair or the car
- Sexual relations
- Sleep<sup>6</sup>

I cannot emphasize enough that it is not unusual for pain or problems to be delayed in appearing after an initial trauma. It can take weeks or months for symptoms to appear. Minor symptoms can worsen and cause major pain and disability. Shoulder and spine problems especially are notorious for this kind of onset. Injuries can cause post-traumatic arthritis which rarely shows up for several months or later than that.<sup>7</sup>

## My Story

In one of my accidents, the witness account made a huge difference in my situation. Several years ago I was pulling out of a parking space on a side street in Boston. A second car was waiting behind me waiting to take my parking space. When I was about halfway out of my parking spot, a taxi cab came speeding down the street, swerved around the waiting car, nearly hitting two pedestrians, and slammed into the front end of my car. After collecting all the information about the driver and the witnesses, I reported the information to my insurance company who reported it to the other driver's insurance company. The other company decided that "after their investigation, there was 50/50 liability." I was very upset. I asked the claims agent, "Did your investigation interview the witness who was almost killed by the taxi driver?" She said "no we didn't." After talking to the witness, the investigation was ruled completely in my favor and the case was settled.

## **Step Six: Consult an Attorney:**

You are a teacher, financial advisor, housewife, baseball coach, etc. You are not an expert in insurance procedures and case law. Do not even think about handling your claim on your own. Having dealt with insurance companies for 27 years, I would never entertain the thought of handling an auto injury claim on my own.

There are literally dozens of mistakes you can make in dealing with all the aspects of a bodily injury and compensation claim. I repeat, do not try to handle these complex situations on your own.

Get help. The good news is that attorneys in this area work their cases on a contingent basis. This means they do not get paid unless you do.

Once you get the initial documentation completed and hand off the administration of your claim to a professional, your main mission is to get well. Make all your doctor's appointments, do your home rehabilitation exercises and get well. Your attorney's job is to protect your legal rights including just compensation for pain, suffering, inconvenience, lost wages, future health care needs and for any permanent injuries.

## Insurance Company Tactics to Increase Profits at Your Expense.

In the early 90's the insurance industry was hit by several big disasters and hired consulting firms to help them squeeze cash out of their claims centers. They were taught to use your monthly payments as a profit center, rather than a fund for giving you what you deserve if tragedy strikes. Their tactics include:

- Taking a recorded statement without your attorney present. Adjustors go fishing for irrelevant information.
- Insurance Medical Exams: Usually brief exams by “hired gun” doctors who often file canned reports that say the same thing: everyone is better. Some files examined in court show 95–100% of injured parties have miraculously recovered in record time.
- Examination Under Oath: Their attorneys interview you about your accident and injuries, usually months after your care is ended. Few can remember details of their health care months afterward.
- Seek a quick settlement with full release, usually before all the important details are established.
- Order Surveillance: Investigators follow you around taking photos and videos looking for inconsistencies in your words and actions.
- Monitor Your Social Media: again looking for inconsistencies in words and actions.

## What Is Whiplash?

According to the Mayo Clinic Whiplash is a neck injury due to forceful, rapid back-and-forth movement of the neck, like the cracking of a whip. Whiplash most often occurs during a rear-end auto accident, but the injury can also result from a sports accident, physical abuse or other trauma. Whiplash can result in injuries to the vertebrae, nerves, discs, muscles, joints, ligaments and tendons.

There are four phases you and your body goes through in a whiplash trauma. It is a very rapid acceleration and deceleration that takes less than a second.

During the first phase, the retraction and ramping stage, your car is pushed out from under you and your back is flattened against the seat. This force slides your head and neck upwards and compresses your discs and joints. Additionally, your head moves up and backwards, creating mechanical and physical stress. A properly adjusted headrest (which very few people have) will help reduce the movement of your neck, but injuries can still occur.

In phase two, the extension phase, your body is moving faster than your vehicle (your seat back springs your body forward) but your head is still going backwards. This creates an S-curve in your cervical spine which is where many of the most damaging injuries in whiplash occur.

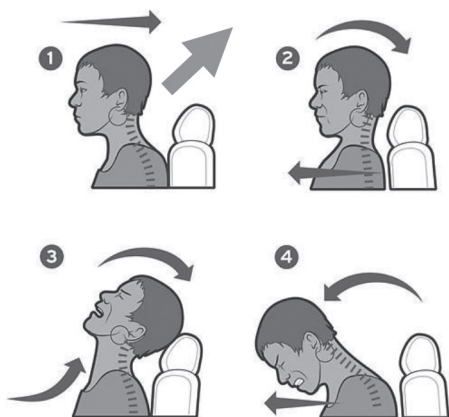
During the third phase, the rebound stage, your torso descends down in your seat and your head and neck are at their peak forward accelerating creating a C-curve in the opposite direction. If you happen to slam on the brake it will cause your car to slow down quicker making the severity of your neck injuries get worse.

During the protraction phase, the fourth and final phase of whiplash, your torso is stopped by the seatbelt and your head continues to move forward unimpeded. This results in your neck undergoing a violent forward bending motion. This force can result in muscle strains and tears, vertebrae being shoved out of their normal position and the spinal cord being stretched and irritated. The brain may even be injured by hitting the inside of your skull.

Unlike broken bones or torn ligaments, a standard x-ray cannot detect whiplash, so it is much harder to diagnose and easier to go untreated. Stress and or motion x-rays are the best ways to document these soft tissue injuries, so it is essential that if you've been in an accident you seek treatment with someone who can provide these diagnostic tests.

According to Consumer Reports, if you are aware that your car is about to be hit, the best position when preparing for an impact in a car is to push your head back into the headrest and look straight ahead.<sup>8</sup>

*These four images illustrate a typical impact.<sup>9</sup>*



The most common whiplash symptoms are:

- Neck pain and/or stiffness
- Disc Injuries
- Blurred vision
- Difficulty swallowing
- Irritability
- Fatigue
- Dizziness
- Brain injury
- Pain between the shoulder blades
- Pain in the arms or legs, feet and hands
- Headache
- Low back pain and/or stiffness
- Shoulder problems
- Nausea
- Ringing in the ears
- Vertigo
- Numbness and tingling
- Pain in the jaw or face

# Important Factors in an Auto Accident

1. **Awareness.** Did you see the other car coming and were you able to brace yourself?<sup>10</sup>
2. **Rear-ended.** These are usually worse because victims are surprised.
3. **Are you a woman?** Most studies show that women are injured more due to less muscle mass and smaller neck diameter. Bigger people get less injuries.<sup>10</sup>
4. **Did your car break or crush?** If your car crumples, it slows the acceleration of your body after the impact decreasing injuries. If your bumper did not break, it most likely rebounded and increased the force in the accident by 5 times or more.<sup>11, 14</sup>
5. **Direction the occupant is facing at impact.** Straight is better than rotated.<sup>12</sup>
6. **Type and position of the seat and head restraint.** Most people have their seat and headrest adjusted improperly. In order to work as intended, head rest must be within 4 mm or 1/4 of an inch of your head and at least the top of your head and the top of the headrest should be equal or the head rest should be higher. Seats are a factor as well. Did the seat break? Did the seat rebound and spring your body forward?<sup>13</sup>
7. **How healthy is your spine?** If your spine is stiff and arthritic you will be hurt more than if you are healthy and flexible.
8. **Size, weight and speed of the vehicles.**

# Three Phases of Healing

When you injury the body, it heals in a three phase process.

## **Phase 1: The Inflammatory**

Following acute injury there is bleeding into the area of injury and pain. “Hemostasis is restored by the formation of a fibrin clot, which prevents further bleeding and serves as a provisional matrix for migrating cells.” This clotting cascade results in the release of inflammatory molecules and inflammatory cytokines from cells such as platelets. There is an influx of fibroblasts, which sets the stage for the second phase of the repair process.

## **Phase 2: The Matrix Deposition Phase**

The fibroblasts produce collagen proteins that bridge the damaged area with the residual endogenous ligament tissue. “The tissue deposited early after injury appears to be an attempt to bridge the damaged area without regard to what was present before injury.”

## **Phase 3: The Remodeling Phase**

“The remodeling phase is a slow process and is accompanied by alterations not only in matrix remodeling, but also gene expression, cellularity, vascularity, and innervation.” The scar tissue in a ligament “undergoes a protracted process where the initially deposited material seems to be turning over and the organization of collagen fibrils become more oriented along the long axis of the ligament.” “Because the remodeling phase occurs slowly, and may take months (i.e., skin) or years (i.e., tendon and ligament).”<sup>15</sup>

## Injured ligaments and muscles heal better with movement!

In 2013, Dr. Hauser and his colleagues in the *Open Rehabilitation Journal*, gives us a review of the current research on ligament injury and healing. One of the most important statements in the article concerns the use of loading and unloading cycles in the repair of ligament injuries. They state:

*Early controlled resumption of activity after injury, including repetitive loading on injured soft tissue structures, has been shown to have a number of beneficial effects on the recovery of injured ligaments and tendons— namely, enhancements in both synthetic and proliferative cellular activity, increases in tissue mass and strength, improvements in matrix organization and shifts to more normalized levels in collagen content.*

*Additionally mobilization has been shown to benefit the injured ligament by causing it to form more connective tissue, evolving into tissue that was stronger and stiffer than its immobilized counterpart. Animal studies have had similar results, a number of which have shown that the strength of repaired ligaments is greater in animals that were allowed to keep exercising, rather than being forced to rest.<sup>16</sup>*

## It is well established that:

- Whiplash injury chronic pain is primarily generated by injury to the facet joint capsular ligaments.
- Facet joint capsular chronic pain can cause an abnormal psychological profile.
- The abnormal psychological profile caused by chronic facet pain can only be successfully treated if the chronic pain is successfully treated.
- Many studies conclude that litigation (hiring a lawyer) subsequent to an injury is “harmful to recovery.” However, these studies do not evaluate the concept of Reverse Causality, and hence are flawed.
- When Reverse Causality is carefully evaluated, litigation not only does not harm recovery, data suggests it actually improves recovery.<sup>17</sup>

### **Important!**

The most important thing to do when you are seeing a health professional to care for your injuries is keep your appointments. Not only does it affect your healing, but more than a 2 week gap in care becomes an issue for your insurance company.

# Healing From Auto Injuries

After you have been examined by a health professional and found to have a soft tissue injury these are my recommended steps to healing better and faster.

1. Ice: first 48 hours of any injury use straight ice. Try to gently move the injured area while applying the ice.
2. Minimize the use of NSAIDS. The research is clear that these interfere with the quality of the healing response. On a practical note, I tell my patients if it were me and I needed help sleeping, that is when I would use them.
3. Remain active despite of ongoing pain.
4. Performance of exercises
5. Inclusion of spinal manipulation which can improve outcomes over exercise alone.<sup>18</sup> Chiropractors are the leaders in this field.

Attorney William Kelley, in his book *Soft Tissue Injuries and Hard Ball Tactics* outlines several advantages of using a chiropractor for care of soft tissue injuries:

- a. Chiropractors do not, and cannot, prescribe narcotic pain medication. Therefore, they are dealing with the patient's injury and trying to fix it, rather than using medication that may simply mask the problem.

- b. Chiropractors often have more flexible hours than doctors and physical therapists.
- c. You do not need a referral or a prescription to see a chiropractor. Just call and make an appointment.
- d. Chiropractic treatment is often less expensive than formal physical therapy.
- e. You will find that many chiropractors and their staff have a genuine interest in helping you and making sure that you are satisfied with their services.
- f. Chiropractors are specialists in soft tissue injury treatment and often attend advanced seminars where the latest knowledge and auto accident and injury treatment techniques are discussed.

Many chiropractors have gained extensive experience over time at diagnosing and assisting patients who have been involved in automobile wrecks.<sup>19</sup>

- 6. Nutrition: Healthy meals of protein, carbohydrates (vegetables) and healthy fats such as avocado, coconut, olive oil and omega'3 fatty acids.
- 7. Supplements:
  - a. Vitamin D
  - b. Omega 3's<sup>20, 21</sup>
  - c. High quality, all natural vitamin E
  - d. A good multivitamin without copper<sup>22</sup>
  - e. Magnesium<sup>23</sup>

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at the Diller Law firm and a leading force  
in personal injury law

*“It is rare to find a book that is valuable for multiple audiences but Dr. Quigley has done it! This book is amazing. It is a survival guide for patients who are injured in an accident and it is a resource for the attorneys too. The book also provides an eye opening perspective on the insurance industry and the role they play in this arena. I have personally treated auto accident patients for 14 years and wish I had this book to give to my patients over the years. I highly recommend this book to patients, attorneys, and other doctors!”*

— Bill Nolan, D.C.

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ISBN-13: 978-1-944721-58-9



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