

BERNSTEIN & BERNSTEIN

GUIDE TO

NO-FAULT PERSONAL INJURY PROTECTION BENEFITS

Whenever an individual is injured in a motor vehicle accident in the State of Michigan they are entitled to personal injury protection benefits. Usually these benefits come from their own automobile insurance. However, individuals without automobile insurance can get personal injury protection benefits through the policy of a resident relative, or the vehicle that is involved in the accident. If you are uncertain as to which insurance company should provide your personal injury protection benefits please contact us (248-350-3700) and we can help you determine who is the proper insurance carrier.

Personal injury protection benefits is actually a group of five different insurance benefits. These benefits are:

- Medical Expenses/Prescriptions
- Medical Mileage
- Nursing/Attendant Care
- Wage Loss
- Replacement Services

Medical Benefits

The automobile insurer will pay for all medical expenses (including prescriptions) incurred due to an injury arising out of a motor vehicle accident. Under most no-fault insurance policies, medical bills have to be submitted to the injured individual's health insurance first, and then the auto insurance will cover any expenses not paid by the health insurance. If your health insurance is a HMO you are required to treat in network.

There are special circumstances where the automobile insurance is the primary insurer and will pay all of the expenses. This usually occurs when an individual has no health insurance or has government provided health insurance such as Medicare or Medicaid. If you are uncertain as to who the primary insurer should be for your medical expenses feel free to contact our office (248-350-3700) and we can assist you in making that determination.

Mileage

As part of the medical benefits afforded to an injured individual, the no-fault automobile insurance carrier pays mileage expenses. These expenses are paid for the miles traveled to and from medical providers for treatment related to the motor vehicle accident.

Nursing/Attendant Care

Automobile insurance is also responsible for paying any nursing or attendant care benefits. If an individual is injured in a motor vehicle accident and requires nursing care, the no-

fault automobile insurer will pay these benefits. This nursing care can be provided by a professional nurse/nursing company, or by friends and family members.

Please note that the medical benefits, medical mileage and nursing/attendant care benefits have no time limit. The no-fault insurance carrier will pay for these benefits for any length of time as long as the expenses are related to the automobile accident.

Wage Loss Benefits

The no-fault automobile insurer will pay for wage loss benefits to an injured worker should they miss time from work due to the motor vehicle accident. The no-fault insurance carrier pays 85% of the lost wages up to a yearly maximum. There is a time limit on these benefits; the no-fault insurance carrier only has to pay for wage loss benefits for the 3 years following the date of the motor vehicle accident.

Replacement Services

The no-fault automobile insurer is also responsible for paying replacement services. "Replacement services" is compensation to reimburse an injured individual to pay people to perform household chores that they can no longer perform for themselves. These benefits are limited to up to \$20.00 a day, and the no-fault insurance carrier is only required to pay these benefits for the 3 years following the date of the motor vehicle accident.

Applying For Benefits

In order to apply for personal injury protection benefits an injured individual has to contact the no-fault insurance carrier and request an application. Then the application must be completed and returned to the automobile insurance carrier. There is a 1 year time limit to make the application for benefits. This means that an application for benefits must be submitted to the proper no-fault insurance carrier within 1 year from the date of the accident. If the application is not made in a timely fashion, any right to collect the benefits is waived.

If you have any questions regarding your rights under Michigan's No-Fault Automobile law please feel free to contact our office at 248-350-3700.

Further, if your no-fault automobile insurer refuses to pay any benefits to which you believe you are entitled please contact our office immediately so we can discuss pursuing a legal action against the no-fault insurance carrier.

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