

"All the Truth
That's Fit to Print"

Legal News & Information for Modern Consumers

Be less curious about people and more curious about ideas.

-Marie Curie

Fall 2008

Dear Friend,

I hope you and your family enjoyed the summer and enter fall in good spirits. Given our economic woes, that's looming as a challenging task. Yet even with our financial markets in turmoil and accountability seemingly at its low ebb, at least one government program is pinning the tail on the donkey and saving taxpayers a few shekels.

Medicare Now Denies Payments to Hospitals for Medical Mistakes



If an auto mechanic accidentally breaks your windshield while repairing your brakes, he would never get away with billing you for a new windshield. Medicare now applies this logic to American medicine and will no longer pay hospitals

for additional care resulting from "conditions that could reasonably have been prevented." The new regulations apply to a list of 10 "preventable" medical errors that include incompatible blood transfusions, second operations to retrieve sponges left behind from the first, injuries from falls, and urinary tract infections caused by the improper use of catheters. Medicare is using its financial clout to improve patient care and safety to an estimated several hundred thousand patients per year who are victim to preventable medical errors.

Four state Medicaid programs have also adopted policies that mirror the federal Medicare pay for performance trend. New York announced that it will not pay for 28 "never events" (because they are never supposed to happen). Note that this logic is akin to the "never say never" sentiment since the "never events" do in fact occur. In other words, if this were a mathematical equation "never say never" = "never events." In philosophy, it would be called a tautology; in common parlance, it translates to "--it happens."



Cellphone Use While Driving Now Requires a Headset



Whether you are chugging around town in your SUV or nimbly operating a Smart Car on biodiesel, you will now need to wear a headset while blabbing on your cellphone. Washington joined five other states and the District of Columbia in banning cellphone use by drivers without hands-free devices. Yet in most of these states a violation of the law was deemed a primary infraction whereby a police officer could stop and ticket you solely for talking on your cellphone without a headset.

In Washington, however, a cellphone violation is a secondary offense: in other words, you can't get pulled over and tagged with a ticket without first committing a primary offense. The most common primary offenses that allow troopers to pull over and ticket cellphone violators include speeding, drifting across lane lines, driving on the shoulder, following too closely or having defective taillights. On the other hand, should you be pulled over by the police for armed robbery, arson or double homicide, you will probably not be issued a cellphone infraction.



Cellphone Law in a Nutshell

When: Took effect July 1, 2008

What it bans: Holding a phone to your ear while driving

What it allows: Earpieces, hands-free Bluetooth devices and built-in speakerphones

Exception: Emergency calls

The fine: \$124.00

Why: Because you're supposed to be driving

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The greatest compliment we receive is the referral of your friends and family. Please ask them to call us with any legal questions.

Super Lawyers

Washington Law & Politics Magazine named Ken a personal injury Super Lawyer in their Summer 2008 issue for the second year in a row!

Change in marital status? Number of kids or grand-kids? Change of fortune? Time to do or re-do your will! Contact Jeannie.

If you received this message in error or would like to be added to our mailing list, please forward your request to ken@selanderobrien.com

Boater Safety Education Cards Now Required for Boat Operators - Amen

This summer ended with a tragic boating accident occurring on Lake Washington close to my home in Seward Park. A young man operating a powerboat apparently broad-sided a sailboat and killed a woman occupying the stern cockpit. Although the details are unknown, the young powerboat driver, and all boat operators under 20 years of age, are required to possess a Boater Education Card which evidences a basic level of boating safety knowledge after passing an exam. One would like to think that knowledge of the fundamentals of boating safety would prevent some of the growing number of boating accidents on our waterways.



The law is being phased in and, beginning January 1, 2009, will require boaters 25 years of age or younger to possess a Boater Education Card. The phase-in period for compliance will continue until 2016 for various age groups, yet boaters born before January 1, 1955 are exempt from having to obtain a Boater Education Card.

My Picks for King County Superior Court Races

We all know by now (or should) who to pick for President or Governor, but it's more difficult to know who to choose in those shrouded judicial races. To aid you in the process, here are my votes for two of the contests:



Position 1:

 X Tim Bradshaw
vs. Suzanne Parisien

Position 22:

 X Julia Garratt
vs. Holly Hill



Remember to vote November 4th!

Until next time,