

# Cost of Future Medical Care: Defense and Plaintiff Attorney's Dilemma

*What are the ramifications of the Cuevas and Corenbaum decisions as to the evidence a jury may consider in determination of cost of future medical care?*

MODESTO, CALIFORNIA, UNITED STATES, November 15, 2018 /EINPresswire.com/ -- Plaintiff and Defense attorneys in personal injury cases in California are trying to understand the ramifications of the Cuevas decision and Corenbaum decision as to what evidence the jury will be allowed to consider in their determination of the cost of future medical care.

The basic tenant of damages in the tort system will not be circumvented by legal decisions into the future in that an injured plaintiff will be compensate for their losses and payment for these losses will be paid by the party responsible. The admissibility of the evidence that is allowed to assist the jury in determination the actual cost of the damages is in flux.

The Cuevas Court in a medical malpractice case allowed for evidence of discounted future medical costs based on medical rates under the Affordable Care Act to the benefit of Defendant medical providers and to the detriment of the injured Plaintiff. The Sanchez Court would preclude this testimony as the cost of services would be derived from the fee schedule under the Affordable Care Act and this evidence might be considered hearsay. The Howell Court ruled that the cost of past medical damages is not admissible evidence as it relates to future medical care as past medical bills were 'often too inflated to be meaningful'. This is in contrast to the Corenbaum Court decision that allowed for billed amounts of previous medical care to be admissible as evidence of cost of future care.

The above decisions leave uncertainty for both Defense and Plaintiff Attorneys who desire certainty in cases that are destined for trial. Academic Physician Life Care Planning, LLC utilizes experts in Physical Medicine and Rehabilitation, Orthopedic Surgeons, Interventional Pain Physicians, and Neurosurgeons who independently from the skill, knowledge, experience, and training are qualified under the Daubert standard to testify as to 'reasonableness of cost of previous care' and the 'cost of future care' because they do so on a daily basis in their own practice and through their ownership of facilities that provide such services.

Greg Vigna, MD, JD, a Certified Life Care Planner, and owner of Academic Physician Life Care Planning, LLC, understands the conflicting legal arguments and recommends attorneys to focus on the selection of the testifying experts the above conflicting decisions will have no effect on admissibility of opinion testimony as to the cost of necessity and appropriate care to the patient's life expectancy from a physician who provides such care as part of their private



Dr. Greg Vigna

practice. Academic Physician Life Care Planning, LLC provides these opinions from physicians when necessary from multiple specialties in its life care plans for no additional cost to Defendant and Plaintiff attorneys.

Greg Vigna  
Academic Physician Life Care Planning  
+1 800-761-9206  
[email us here](#)

---

This press release can be viewed online at: <http://www.einpresswire.com>

Disclaimer: If you have any questions regarding information in this press release please contact the company listed in the press release. Please do not contact EIN Presswire. We will be unable to assist you with your inquiry. EIN Presswire disclaims any content contained in these releases. © 1995-2018 IPD Group, Inc. All Right Reserved.