



**Texas Trial Lawyers Association
Presented:**

CAR WRECKS CLE SEMINAR

March 3, 2016
Houston, TX

September 8 2016
Austin, TX

October 6, 2016
Dallas, TX

**Trying Car Wrecks on the Cheap
APPENDIX 4.1**

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MELVIN K. HORANY
Attorney at Law

(Date)

Via Facsimile: ()

Four (4) Pages

Name
Address
Address

Attn: Billing Records Custodian

Re: Patient:
DOB:
SSN: ***_**_
DOA:

Dear Billing Records Custodian:

This firm has been retained to represent **(Client)** in connection with the injuries she suffered in an accident on (date of accident). I understand that **(Provider)** provided medical treatment to **(Client)**.

Please provide me with copies of billing records for **(Client)** from the date of accident to the present. Enclosed is a Medical Authorization and Billing Affidavit for a set of records.

In completing the last paragraph of the Billing Affidavit, please note a major change in the law required by the June 2011 *Escobedo* decision by the Texas Supreme Court. The Court held that the total charges are no longer admissible into evidence. Instead, only the amounts actually paid plus the unpaid balances are admissible. **Accordingly, in the last paragraph of the Affidavit, the only amounts to be entered are:**

1. **THE TOTAL AMOUNT PAID IN THE FIRST BLANK.**
2. **THE AMOUNT CURRENTLY UNPAID BUT STILL OWED IN THE SECOND BLANK-** i.e. balance remaining after all payments and insurance/Medicare/Medicaid contractual write-offs is \$500- enter \$500 in this blank.

Please note, if the balance has been turned over to collections, please list the amount owed to collections; we cannot collect for a zero balance.

Additionally, please note that we would prefer to have the billing records sent electronically to attorney@ostovichlaw.com.

We apologize for the inconvenience presented by this new law, but if it is not complied with, the Affidavit is legally useless and we will have to send it back to you so that it can be completed correctly. Please contact me at 940-761-2000 should you require additional information. Your assistance and cooperation is greatly appreciated.

Sincerely,

Carolyn Ostovich
CO/clo

Enclosures

CAUSE NO.

BILLING AFFIDAVIT

BEFORE ME, the undersigned authority, personally appeared _____, who, being duly sworn by me, deposed as follows:

"My name is _____. I am of sound mind and capable of making this Affidavit, and personally acquainted with the facts herein stated.

I am the custodian of records for **(Provider)**. Attached to this Affidavit are records that provide an itemized statement of the services and the charges for the services **(Provider)** provided to **(Client)** from the date of accident to the present. The attached records are a part of this Affidavit.

The attached records are kept by **(Provider)** in the regular course of business and it is the regular course of business of **(Provider)** for an employee or representative of **(Provider)**, with knowledge of the service provided, to make the record or to transmit information to be included in the record. The records were made in the regular course of business at or near the time or reasonably soon after the time the services were provided. The records are the originals or an exact duplicate of the originals.

The services provided were necessary and the amount charged for the services was reasonable at the time and place that the services were provided.

The total amount paid for the services was \$_____, and the amount currently unpaid but which **(Provider)** has a right to be paid after any adjustments or credits is \$_____.

Further, affiant saith not."

AFFIANT

SWORN TO AND SUBSCRIBED before me on the _____ day of _____ 2016.

Notary Public, State of Texas