

# How Pre-Existing Injuries Affect Your Massachusetts Car Accident Case

## Our law firm builds and protects your car accident case from start to finish

If you have a history of back pain, prior surgery, arthritis, or any other medical condition, you still have the same basic rights as anyone else injured in a [Massachusetts car accident](#). The law doesn't say "no recovery" just because you were already hurt. Instead, the focus becomes whether the crash made things worse, brought back old symptoms, or created a new problem on top of an old one.

The other driver doesn't get a discount just because you were more vulnerable than another driver would have been. At the same time, the claim is no longer about a perfectly healthy body suddenly injured. It's about measuring the difference between how you were doing before and how you're doing now.

## What does Massachusetts law say about prior conditions?

Massachusetts follows what's often called the "[eggshell plaintiff](#)" rule, which basically means the at-fault driver must take you as they find you. If your body was more fragile or prone to injury because of a pre-existing condition, that doesn't excuse their negligence. They can be held responsible for the full extent of the harm caused or the aggravation of what was already there.

Massachusetts also uses a modified comparative negligence system in most injury cases. That deals with your share of fault for the crash itself, not with your medical history. Your pre-existing condition might affect how damages are calculated, but it shouldn't be treated as if it were "fault" on your part.

## What are some common pre-existing injury scenarios?

Many people dealing with a Massachusetts car accident already have some medical history that gets pulled into the spotlight after a crash. Here are some of the most common ways pre-existing problems show up in these cases:

- **A prior neck or back condition** that was manageable with stretching, home exercises, or occasional chiropractic or physical therapy suddenly becomes much more severe, now requiring injections, stronger medications, or even surgery.
- **Degenerative changes**, such as arthritis or disc degeneration that were visible on imaging but not very symptomatic before, are followed by a new disc herniation, radiating nerve pain, or numbness and tingling after the collision.
- **An old injury** that had mostly healed (such as a prior shoulder tear, knee surgery, or ankle fracture) starts flaring up again, bringing back pain, stiffness, and movement limits that hadn't been a problem for months or years.

- **Chronic conditions** such as fibromyalgia, chronic pain syndromes, or autoimmune diseases become more difficult to manage, which leads to more frequent flare-ups, higher medication use, and reduced ability to handle daily activities.

### **How is aggravation different from a brand-new injury?**

A pure “new” injury is something that didn’t exist before the crash at all. This might be a fresh fracture or a herniated disc in an area that was healthy on prior imaging. Aggravation is different. It’s when an existing condition is pushed to more pain, more frequent symptoms, reduced mobility, or new activity limitations compared to your pre-accident baseline.

The line between aggravation and a new injury is not always sharp. In practice, the focus is on the before-and-after comparison. If, for example, you had some age-related spinal changes but no real symptoms, and after the crash you have constant radiating pain and functional limits, that shift is often where the claim lives.

### **How do I prove what the crash actually changed?**

Proving what the crash truly changed boils down to solid evidence that paints a clear before-and-after picture. Your medical records and doctors’ insights are the heavy hitters here.

- **Gather pre-accident records** to establish what symptoms you had, treatments you used, and any limits on your daily life or work, even if they were minor or managed.
- **Collect post-accident records** showing what’s new or worse, like increased pain frequency, new radiating symptoms, reduced range of motion, or stepped-up treatments such as injections or therapy you didn’t need before.
- **Compare imaging** and tests side-by-side, such as old MRIs showing mild degeneration versus new ones revealing a fresh herniation, edema, or structural shifts tied to the crash impact.
- **Get detailed opinions** from your treating doctors or specialists who can explicitly link the accident’s force and timing to the changes, explaining why it’s aggravation or a new issue rather than coincidence.
- **Document your own life impacts** with a journal or logs (missed workdays, hobbies you dropped, sleep disruptions, or family help you now need) to show real-world differences beyond just medical notes.

### **How do insurance companies look at pre-existing injuries?**

Insurance companies tend to treat pre-existing injuries as an opportunity to question the value of your claim. They look closely at your history to see if they can argue that the crash didn’t really change your condition. Having a clear, consistent, and well-organized medical narrative backed by your doctors’ opinions can make it much harder for an insurer to dismiss your injuries.

Insurance companies may try to do the following:

- Claim your current pain and limitations are just the “natural progression” of an old injury or degenerative condition, rather than a result of the accident.
- Comb through your medical records for any mention of prior complaints or treatment, then argue that your post-accident symptoms are simply “more of the same.”
- Downplay new complaints by pointing to prior imaging or notes and insisting that nothing truly different or significant happened because of this crash.
- Use any gaps, inconsistencies, or missing details in your records to suggest your story isn’t reliable, or that your condition would have worsened regardless.
- Hold firm on low offers until they see strong medical support, such as detailed doctor opinions or expert reports, and the real possibility that you’re willing to litigate.

### **How should I talk about my medical history?**

Honesty and accuracy are important. Trying to hide or downplay old injuries usually backfires. If an insurance company uncovers records you didn’t disclose, it can hurt your credibility and give them ammunition. Instead, the better approach is to be upfront, but very clear about what your life was like before the crash versus after.

The more specific you are, the easier it is to show that the accident made a real, measurable difference. For example:

- What activities could you do comfortably before that you can’t do now?
- How often did you need treatment before, and how often now?
- What medications or therapies are new?

### **What practical steps should I take after a crash?**

First, get prompt medical attention, even if you think the crash “just” made an old problem flare up. Let your providers know about your prior conditions but be clear about what symptoms feel different or worse. Follow through with recommended treatment, keep appointments, and avoid long unexplained gaps in care if you’re still in pain.

Second, keep your own notes. A simple journal where you jot down pain levels, sleep problems, missed activities, and work limitations can be very helpful later. Save receipts, out-of-pocket costs, and correspondence related to your treatment. This can make it much easier to document the impact of the crash on top of your pre-existing issues.

### **How can a Massachusetts car accident attorney help with a pre-existing injury claim?**

[The Law Offices of Mark E. Salomone](#) regularly handles Massachusetts car accident cases. We can help gather and organize your medical history, work with your doctors, and frame your story in a way that fits the legal standards. That may include obtaining detailed opinion letters from your physicians, consulting independent medical experts, and assembling a clear before-and-after picture for the insurance company or a jury.

When it's time to negotiate, we push back against arguments that everything is "old news," and advise whether it makes sense to settle or file a lawsuit. If the insurance company refuses to be reasonable, we're fully prepared to take your case to court and present the evidence in a clear, compelling way. You focus on your recovery while we handle the paperwork, deadlines, and pressure from the insurance companies.

To learn how we can help, [contact us online](#) or call to schedule a free consultation and get answers about your options.