

Can an Insurance Company Deny a Claim for a Gap in Treatment?

Our Texas attorneys fight back against insurance company tactics

If you've been hurt in a [car accident](#) in Texas, you're already dealing with enough. Pain, medical bills, missed work, and the general chaos that follows a serious injury have a way of piling up fast.

The last thing you need is your insurance company telling you that a gap in your medical treatment is grounds to deny or reduce your claim. But it happens constantly across Texas, and when it does, most people have no idea they have options. Before you accept a lowball offer or a flat-out denial, here's what you actually need to know.

What is a gap in treatment, and why does it matter?

A gap in treatment is a period of time when you stopped receiving medical care for injuries you sustained in a car accident. It could be a few weeks without a doctor's visit, stopping physical therapy before your provider recommended, or waiting too long after a car accident to seek any treatment at all.

Insurance adjusters pay very close attention to these gaps. In their view, a person who is genuinely hurt goes to the doctor consistently and follows through with their treatment plan. When you stop, even temporarily, they see it as an opening to argue that your injuries weren't as serious as you claimed, or that you had already recovered before you decided to resume care.

In Texas, gaps of 30 days or more tend to raise the biggest red flags, but don't assume a shorter gap is safe territory. Insurance companies have used gaps as short as two weeks to undercut soft tissue injury claims. If you delayed seeking treatment right after the crash, that initial gap can be just as damaging as one that happens mid-treatment.

Why do so many Texans end up with gaps in their treatment?

The reality is that life gets in the way, and in Texas, the barriers to consistent medical care are very real. Texas has one of the highest uninsured rates in the country, and the financial, logistical, and personal pressures that follow a serious accident make it genuinely difficult for many people to maintain a steady treatment schedule. Some of the most common reasons injured Texans end up with gaps in their care include:

- Financial hardship or lack of health insurance, which leaves many people unable to afford copays, specialist visits, or ongoing physical therapy
- Lost wages from missed work, which makes every dollar spent on medical care feel impossible to justify
- Employment in industries like oil and gas, construction, or agriculture where taking time off simply isn't an option

- A genuine belief that symptoms are improving, which leads people to wait things out before realizing they've gotten worse
- Living in rural parts of Texas where the nearest specialist or treatment facility may be hours away
- Caregiving responsibilities for children or elderly family members that make consistent appointments difficult to keep
- The psychological aftermath of a traumatic crash, including anxiety or avoidance behaviors that are clinically recognized symptoms of trauma

Does a gap in treatment automatically kill my claim?

A gap in treatment is not an automatic disqualifier under Texas law. It creates a challenge, sometimes a significant one, but it doesn't erase an otherwise valid claim.

Texas courts have consistently held that gaps in treatment go to the weight of the evidence, not its admissibility. That means a judge can't throw out your case simply because a gap exists. A jury gets to hear the full picture, including your explanation for why the gap happened, and decide how much weight to give it.

Medical expert testimony plays a big role here. Doctors can and do testify that certain types of injuries, like soft tissue damage, herniated discs, and concussions, commonly cause fluctuating symptoms. People with these injuries sometimes feel better for a stretch, assume they're on the mend, and then experience a relapse that brings them back into treatment. That's not fraud. That's just how some injuries work. A knowledgeable medical expert can explain this to a jury in a way that takes the wind out of the insurance company's argument.

That said, gaps do affect damages even when they don't kill a claim outright. A jury may limit what you recover for medical expenses or pain and suffering if they believe you weren't committed to getting better. So, while a gap doesn't automatically end things, it does create real risk that needs to be managed carefully.

How do Texas insurance companies use gaps against you?

Insurance adjusters don't stumble onto gap arguments accidentally. They're trained to find them, and once they do, they have a clear playbook they follow. Here are some of the tactics they use:

- **The causation argument:** Texas law requires you to prove that the defendant's negligence caused your injuries. A gap gives the insurance company a hook to argue that whatever you're experiencing after the gap is the result of a new event, a pre-existing condition, or just the normal aging process rather than the original accident.
- **The credibility argument:** If you were really that hurt, why did you stop going to the doctor? It's a simple question that sounds devastating in a deposition or at trial, and

insurance adjusters know it. They use it in settlement negotiations to push your number down even when they're not outright denying the claim.

- **Independent medical examinations:** Some insurance providers request what's called an Independent Medical Examination, or IME. This is where their chosen doctor evaluates you and often, conveniently, concludes that you've already recovered or that continued treatment isn't medically necessary. These examinations are rarely as independent as the name suggests, but they give the insurance company a medical opinion to lean on when defending their denial.
- **Surveillance during gaps:** In higher-value claims, don't be surprised if surveillance enters the picture. Insurance companies have hired private investigators to film claimants during treatment gaps. They might capture footage of you doing ordinary things such as carrying groceries or mowing the lawn, then present that footage as proof that you were never seriously injured.

What does Texas law say about unfair claim denials?

Texas has meaningful protections for policyholders when insurance companies act in bad faith. [Chapter 541](#) of the Texas Insurance Code prohibits unfair settlement practices, including misrepresenting facts, failing to investigate claims properly, and compelling claimants to sue by offering unreasonably low settlements. [Chapter 542](#) sets strict deadlines for how quickly insurance companies must acknowledge, investigate, and pay claims.

Under Chapter 542, an insurance provider must acknowledge your claim within 15 days, accept or reject it within 15 business days of receiving everything they asked for, and pay an accepted claim within 5 business days.

When an insurance company denies a valid claim using a treatment gap as a pretext and without conducting a real investigation, that can rise to the level of bad faith under Texas law. A successful bad faith claim can result in:

- Your actual damages plus consequential damages caused by the denial
- Attorney's fees and court costs
- Up to three times your actual damages in cases involving knowing violations of the Texas Insurance Code under the Deceptive Trade Practices Act

How can I protect my claim if I've had a gap in treatment?

The most important thing you can do is document everything and be honest with your treating physician. If you had to stop treatment for any reason, tell your doctor at your next visit and make sure the reason ends up in your medical record. A chart note that says "patient returning after three-week gap due to inability to pay copays" is far better than an unexplained absence in the records.

Keep a personal injury journal throughout your claim, even during gaps in treatment. Write down your pain levels, what you can and can't do, what you're missing out on, and why you did or didn't seek care on a given day. This kind of contemporaneous record carries real weight.

Some of the most common and defensible reasons for treatment gaps in Texas include:

- Financial hardship or lack of health insurance, which affects nearly one in five Texans
- Work obligations in industries like construction, oil and gas, or trucking where missing shifts isn't realistic
- Transportation barriers, particularly in rural counties where the nearest specialist may be hours away
- Caregiver responsibilities for children or elderly family members
- Delayed symptom onset, especially in soft tissue injuries or concussions that worsen over time
- Psychological avoidance following trauma, which is a recognized symptom of PTSD and acute stress disorder
- Misleading guidance from an insurance adjuster who told you early on that your injuries were minor

Hurt in a Texas car accident and facing a gap-in-treatment denial? Contact us today

If your insurance claim has been denied or devalued because of a gap in your medical treatment, you don't have to accept that decision as the final word. The Houston car accident attorneys at [Smith & Hassler](#) have over 30 years of experience going up against insurance companies that use every trick in the book to avoid paying injured Texans what they actually deserve. We know how insurance adjusters build gap arguments, how they use your medical records against you, and more importantly, how to fight back.

From the moment you bring your case to us, we take the pressure off your plate. We can help arrange a letter of protection with your treating providers so you can continue or resume medical care without worrying about out-of-pocket costs. We'll dig into the insurance company's claims handling process, gather the evidence needed to explain and document your treatment gap, and build the strongest possible case for the compensation you're owed.

Getting started costs you nothing. Smith & Hassler offers free consultations to injured Texans, so you can sit down with our attorneys, discuss the details of your situation, and get honest answers about your options before making any decisions. If we take your case, you pay nothing upfront, and we only get paid if we win. [Contact us](#) today to schedule your free consultation and let us start fighting for you.