



# LIEN RESOLUTION SERVICES



In most cases an individual will incur medical expenses from injury related treatment prior to settlement being reached. Depending on who pays these medical expenses, liens may arise. Medicare liens are usually on all parties' radar due to the "super lien" rights provided by the Medicare Secondary Payer Act (MSP).

However, in addition to Medicare liens which should be considered mandatory to resolve due to steep interest and/or penalties for non-payment, the resolution of one or more other healthcare liens should also be negotiated and satisfied from settlement proceeds. Medivest helps settling parties in several areas of our business and finds it gratifying to reduce payment burdens for parties' past injury related medicals **helping them obtain a higher net settlement**. Count on Medivest to:

- Direct the communication and negotiations for your lien resolution matters so that you can focus on your core business
- Verify the type of liens outstanding
- Investigate liens via web, phone and/or correspondence
- Determine obligations to notify healthcare plans
- Obtain reimbursement demands
- Audit demands for relevance to the case- related injury
- Evaluate available offsets, reductions, and/or opportunities for compromise
- Negotiate satisfactory resolution/obtain best offers depending on authority provided/service desired

## Medicare Conditional Payment Liens

The Medicare Secondary Payer Act (MSP) gives Medicare the right to be reimbursed from a settlement, judgment, award, or other payment/arrangement ("Settlement") when a third party/insurance plan is primary. The Settlement funds are considered primary to Medicare even when liability is denied. Anyone receiving Settlement funds may be liable to Medicare for two times the amount Medicare paid plus interest if not timely resolved. It is best to negotiate Medicare liens prior to Settlement. Even after a Medicare lien is paid, whether prior to or after Settlement, **the government may reimburse injured parties based on fairness or financial hardship**.



### Contact Us Today

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### Other Lien Resolution Services

#### **Medicare Advantage – Part C/Part D Pharmacy Liens**

Private insurers that administer Medicare coverage for Medicare beneficiaries are afforded private recovery rights under the MSP, including the potential for double damages for lien recovery, just like the government.

#### **Medicaid Liens**

Medicaid is a needs-based program, funded jointly by the federal and state governments. Each state has different laws and procedures concerning proper notification and lien settlement procedures.

#### **Veterans Administration/TriCare Liens**

When Veterans are injured on the job and/or injured by a third party, if the VA or TriCare is billed for that injury related treatment, those bills should be satisfied from the settlement.

#### **FEHBA/ERISA Plan Liens**

If an injured person receives health care benefits from an employer sponsored insurance plan related to an injury, whether that plan is a Federal Employee Health Benefit (FEHBA) government-based plan or a private health plan governed by the Employee Retirement Income Security Act (ERISA), it is likely that the healthcare plan has some reimbursement right to insurance settlement proceeds, as dictated by federal law (that preempts private state-based health liens.) We have an attorney examine the controlling language of the applicable plan in conjunction with federal case law to evaluate the respective plan's rights. We contact U.S. Department of Labor officials when appropriate and work to help you decide on the best course of action for your clients for these specialized plans.

#### **Hospital/Private Healthcare Liens**

Hospital liens are governed by state law and usually have strict requirements regarding the perfection of enforceable rights. We are available to confirm and help reduce any outstanding private healthcare bills.

#### **Mass Tort Lien Resolution**

Ask us about our ability to coordinate Mass Tort settlements with CMS and subrogation firms to streamline large-scale lien resolution and speed up settlement fund distribution.