

ALBUQUERQUE DIVORCE LAWYER BLOG

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Medical Liens Can be Half the Battle in a New Mexico Personal Injury Case

Many [personal injury](#) victims are surprised and/or shocked to learn that there are many different lien holders that are going to get a piece of their settlement. On occasion, these liens may prevent a case from settling. On other occasions, the liens and the difficulty settling these liens may deter many attorneys from taking smaller claims at all. Depending on the nature of the medical care and medical insurance coverage, there could be all manners of medical liens on any recovery, settlement or verdict. The first and easiest to address is private medical insurance. This is often the one that upsets injured parties the most feeling that they should not have to repay medical costs covered by significant insurance premiums often paid for years prior to a claim. As much as it may pain the insured to repay his insurance company, it must be done.

[Work related injuries](#) typically will carry workers compensation insurance liens. A work related personal injury claim presumes a third party other than the employer caused the accident and resulting injuries and damages. The workers compensation insurance provider will want to and has every right to recover medical costs necessitated by the third party's negligence.

Private insurance and workers compensation insurance are relatively easy to address. The more difficult liens are those asserted by governmental programs such as Medicare, Medicaid, Indian Health and the Veterans Administration. The end result is often the same with liens being negotiated down on a number of different grounds. However, getting there can be a long, tedious and frustrating process for both the client and the attorney.

Like private medical insurance and workers compensation insurance, the medical costs associated with the accident must be identified. This is typically fairly straightforward, though time-consuming with private insurance and workers compensation insurance. It

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is a matter of collecting all the medical records and bills associated with the medical care associated with the accident. On occasion, there can be some complications determining what bills and records are associated with the accident and what is related to other treatment and/or prior medical conditions. One advantage of workers compensation insurance is that they generally have done this already as they monitor medical care pretty closely on work related injuries.

On the other hand, in accidents involving coverage under Medicare, Medicaid, Indian Health and the VA, obtaining the medical records and bills can seem like an impossible task. It can take months upon months to obtain the records. And obtaining the records is just the first step. The records and bills must then be closely reviewed to sort out what is and what is not related to the accident. Rest assured, the original records, bills and associated liens will include far more than is actually related to the accident.

Then comes the fun part which is trying to get somebody on the phone at one of these entities with authority to negotiate the bills and liens. This again can be challenging to put it lightly. Again, weeks and months can pass before getting the right person on the phone if you do not know who it is you need to contact. And even when you do, these folks are somewhat overwhelmed and it can be hard getting their attention. It can be equally hard keeping it.

As difficult as the government sometimes makes it to address these liens, they must be addressed. They must be addressed before final settlement. Failure to address these liens before final settlement can have disastrous financial consequences for the client, and the lawyer. The lien settlement process in fact can take as long or longer than the injury settlement process. In fact, the inability to settle these liens in a timely manner may force the filing of an otherwise unnecessary lawsuit to avoid the lapse of the statute of limitations.

If you have a claim with these types of issues involved, it is highly advisable to seek the guidance of an experience personal injury attorney. However, you should also know that these issues make the case much more difficult and time-consuming to resolve. The reality is that many attorneys will shy away from these claims unless there is a significant potential for recovery.

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