

SUBROGATION & LIENS

UT CLE
2016 THE CAR CRASH SEMINAR

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Before handing over your client's money to health plans and hospitals ... learn the rules.



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- **Rule 1. Who is the Plaintiff in relationship to the subrogation interest or lien asserted?**



child



Employee participant;
injured spouse; derivative
claimant



Wrongful death or estate

Be consistent, be strategic.

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Incompetent or disabled claimant requiring a special needs trust?



gwil40115 fotosearch.com

ACS v Griffin: SNT was subject to subro interest but wife's derivative claim was not.

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Rule 2: Who is the employer through which the health plan arises?

Private industry: often ERISA; If insured, Ch. 140 will regulate

If state or local government
Never ERISA, Ch. 140 will regulate

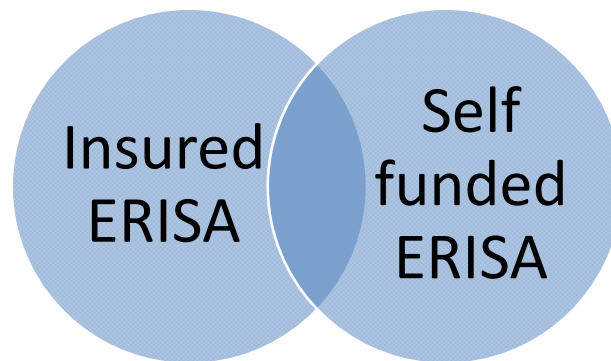
If church, not ERISA; Ch. 140 will regulate



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Rule 3: what is the funding and regulatory scheme for the plan?



True or False: ERISA trumps Ch. 140, the new subrogation law?

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First appeared as part of the conference materials for the

2016 The Car Crash Seminar session

"Liens and Subrogation"