

# SUBROGATION & LIENS

UT CLE  
2016 THE CAR CRASH SEMINAR

Judy Kostura  
JUDGE, KOSTURA & PUTMAN, P.C.

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ATTORNEYS AT LAW



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.**

Incompetent or disabled claimant requiring a special needs trust?



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

**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

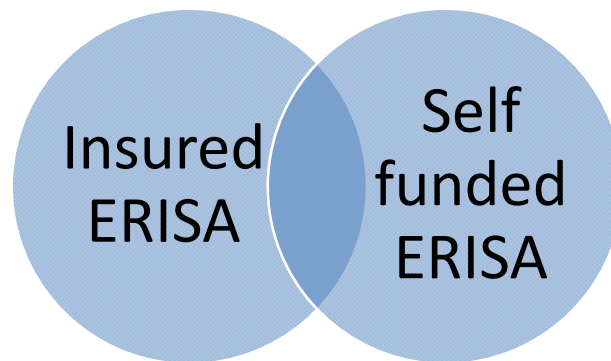
If church, not ERISA; Ch. 140 will regulate



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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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"Liens and Subrogation"