

WHAT ATTORNEYS NEED TO KNOW

How is Health Plan of San Mateo (HPSM) *connected* to Medi-Cal?

HPSM is a County Organized Health System (COHS) that contracts with the Department of Health Care Services (DHCS) to administer Medi-Cal benefits through local care providers to ensure Medi-Cal recipients have access to high-quality comprehensive cost-effective health care.

What laws govern the State of California Medi-Cal Personal Injury Program?

Welfare and Institutions Code Sections 14124.70 - 14124.94.

I am an attorney and need to request medical records and/or bills. Where do I send my request and/or a subpoena?

HPSM cannot provide attorneys or record collection firms with member records and/or bills. HPSM does not have the authority to make a claim for recovery for the value of any covered services involving casualty insurance, tort, or workers' compensation liability. DHCS has sole lien rights under the Welfare and Institutions Code Section 14124.74.

All records requests are solely provided by DHCS.

Please send your request directly to:

Department of Health Care Services
Office of Legal Services
1501 Capitol Avenue - MS 0010
Sacramento, CA 95814

OR for expedited process, submit your request online at:

DHCS Third Party Liability and Recovery Department

https://www.dhcs.ca.gov/services/Pages/TPLRD_PI_OnlineForms.aspx

1. Scroll to the bottom of the page;
2. Locate the blue link that says "Step 1" Personal Injury Notification (New Case);
3. Click this link and enter the security code that is displayed (this is a security protocol that allows you to proceed); and
4. Fill out all 10 parts of this form and submit.

Notice to attorneys on Medi-Cal reimbursement obligations

DHCS has the right to recover against a third party who injured a Medi-Cal beneficiary (member) (Welfare & Institutions Code § 14124.71 et seq.) (W&I Code). Pursuant to the W&I Code Section; a Medi-Cal beneficiary or personal representative is required by law to report to DHCS in writing within 30 days of filing the claim or action. These reports must be submitted online or by mail and attorneys must submit a Medical Authorization from their client.

If the injured party (member or client) is a Medi-Cal member, DHCS will send a Notice of Lien stating their rights to recovery. Receiving a Medi-Cal lien amount can take up to 120 days. If the injured party (member or client) is not currently Medi-Cal eligible DHCS may send a notice stating that their Medi-Cal status will be rechecked in 90 days for retroactive eligibility.

If a settlement is reached and funds are paid to a Medi-Cal member without reimbursement to DHCS, the member can be held liable to reimburse DHCS.

How can I get my request to move faster with DHCS?

There are several things that you can do to reduce the time it takes to process a case:

- ▶ Notify DHCS within 30 days of taking an action or filing a claim.
- ▶ Use the online form as described on page 1.
- ▶ If you are an attorney, send a letter of representation and a signed medical authorization to DHCS. This will allow DHCS to speak with you regarding the member's (your client's) case.
- ▶ If you have an upcoming court or mediation date and need a Medi-Cal lien amount, alert DHCS as soon as you get the date. DHCS needs time to obtain treatment data for the lien.
- ▶ When your case settles, submit a copy of the settlement release to DHCS, so DHCS can calculate the payable lien amount. If you are an attorney, include itemizations for your fees and litigation expenses.
- ▶ Notify DHCS as soon as possible after the Medi-Cal member (your client) has completed treatment.

The DHCS Personal Injury Program has imposed a lien on my settlement. Can I get a reduction?

Yes. There are three sections of the Welfare and Institutions (W&I) Code that allow for a reduction of a lien. DHCS's recovery is limited to the amount derived from applying Sections 14124.72, 14124.76, and 14124.78—whichever is less. To grant a reduction, DHCS may need a copy of the settlement release documents along with itemized attorney's fees and litigation costs.

See https://www.dhcs.ca.gov/services/Pages/TPLRD_PIP_FAQ.aspx.

What happens if the insurance company sends a member or their attorney a settlement check made out to the member and DHCS (Medi-Cal)?

First, DHCS only endorses checks in which it has a recoverable interest. DHCS prefers that the insurance company issue separate checks – one check made payable to *Department of Health Care Services*, and another made payable to the member. If the insurance company only issues a joint check, the attorney and/or member has three options:

- ▶ Endorse the check and send it to DHCS. DHCS will cash the check, deduct the Medi-Cal lien amount, and send you a refund for the difference. This process takes up to 60 days.
- ▶ Pay Medi-Cal's lien amount via cashier's check, money order, or electronic fund transfer in exchange for DHCS's endorsement.
- ▶ If you are an attorney and listed as one of the payees on the check, send DHCS a completed Letter of Guarantee (Form 4204) along with the check in exchange for its endorsement.

DHCS does not accept checks for endorsement if there is no interest in the payment. If DHCS has no interest in an insurance company check, please work with the insurance company to obtain a new check made out to the member.

How can I get a letter releasing Medi-Cal's lien?

Upon request, DHCS will issue a release letter after the lien amount has been paid in full.

For further guidance and questions on Medi-Cal Third Party Claims, please contact:

The California Department of Health Care Services (DHCS)
Third Party Liability and Recovery Division
Casualty Insurance Operations - MS 4720
P.O. Box 997425
Sacramento, CA 95899-7425
Phone: **916.445.9891**