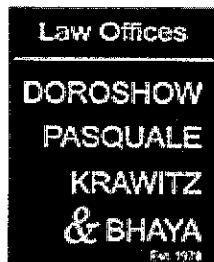


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If your patient is in an accident and has health insurance, which insurance company should be billed? In this issue of our Health Law Newsletter, I will discuss some of the procedures you'll need to know to get your bills paid quickly from the correct insurance carrier.

1. **Automobile:** Every car owner in Delaware must have the minimum amount of insurance to pay bills and lost wages. This is commonly called "PIP" (Personal Injury Protection or "No-Fault"). In Delaware, the minimum limits are: \$15,000.00 per person and \$30,000.00 per accident. PIP covers medical bills and wage loss for two years ^(a) from the date of the accident, or until the benefits are exhausted, whichever occurs first.

One of the key aspects of representing someone injured in a car accident is to maximize the PIP benefits available. Sometimes, more than one PIP policy applies because there is another PIP policy maintained by a family member, your patient was injured in someone else's car, or your patient was injured while working. The attorney's role is to determine all sources of payment.

Often, there is not enough PIP coverage to pay all of your bills. You should always get your patients' health insurance information to be used if there is not enough PIP coverage ^(b).

The Delaware PIP statute is 21 Del. C. §2118 and can be viewed by clicking:

<http://delcode.delaware.gov/title21/c021/sc01/index.shtml#2118>

(a) PIP can be extended for beyond two years in certain circumstances for surgical or dental procedures. Please contact our office for guidance.

(b) PIP can also be subject to deductibles-this issue will be the subject of a future newsletter.

2. Workers' Compensation: The recent changes to the Workers' Compensation law have clarified the coordination of health payments. Under 19 Del. Code §2322F (k), (viewable by clicking here: <http://delcode.delaware.gov/title19/c023/sc02/index.shtml#2322F>), a healthcare provider which is being paid for treating a workers' compensation patient shall not seek compensation from any other health insurance carrier for the same treatment. At any point that a final determination is made that an employee is NOT entitled to workers' compensation, the health care provider may then seek payment from health insurance. Under this scenario, time restrictions to make a claim by health care providers are stayed. Also, requirements for pre-authorization of treatment are voided. Reimbursements shall be by the contract rate with the health insurance carrier at the time of the treatment and the health insurance carrier is subject to the rules of the Insurance Commissioner and to the prompt payment of health claims. A healthcare provider may not balance bill an employee for treatment for which the healthcare provider has been compensated by health insurance.

3. Slip and Fall Injuries: Some commercial property owners have in their insurance a provision called "Med Pay". This is essentially a no-fault benefit for the injured persons on the property. Reimbursements typically range from anywhere between \$1,000.00-\$5,000.00. Strict time limits often apply for submission of the bills. If you have a patient treating for slip and fall injuries, utilization of this benefit could be a way for you to receive reimbursements fairly rapidly.

However, many commercial property owners do not have this "Med Pay" coverage. In that case, billing health insurance is the most certain way to secure payments for your bills.

For more information or if you have any questions on this or any other legal topics, please feel free to contact me at EricDoroshow@dplaw.com or call 1-800-632-9230.

WIN PHILLIES TICKETS! Our office will be sponsoring a drawing for a pair of Phillies vs. Colorado tickets. The tickets are Hall of Fame Club edition which include Preferred Parking! The game is scheduled for Wednesday, June 20, 2012. Only the employees and staff of healthcare providers are eligible to participate. To enter for your chance to win, please visit

<http://www.dplaw.com/phillies.html> and fill out the form under the "Phillies Tickets Drawing" link. The lucky winner will be notified by phone or e-mail.

Sincerely,

Eric M. Doroshow
Attorney at Law

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