

From: Law Offices of Doroshow, Pasquale, Krawitz & Bhaya <ericdoroshow@dplaw.com>
Subject: Healthcare Provider Update
Reply: ericdoroshow@dplaw.com

The Law Offices of Doroshow, Pasquale, Krawitz & Bhaya

February 9, 2012

Dear Healthcare Provider:

A recent decision in the Delaware Supreme Court may have caused some confusion in the healthcare community about medical bill liens in third party settlements. In this issue of our healthcare provider newsletter, I'd like to discuss this case.

Arthur Krawitz from our office argued *Doroshow, Pasquale, Krawitz & Bhaya v. Nanticoke Hospital* before the Delaware Supreme Court. The facts are pretty simple. Our client was hurt in a car accident that was not her fault. She had a minimum amount of PIP to pay her bills, but it was not enough to pay Nanticoke in full. As a charitable hospital owed an unpaid bill, a unique Delaware statute permitted the hospital to perfect a lien on the settlement by filing papers in the clerk's office.

In the meantime, our office secured all the insurance money from the at fault driver. We sought to divide the money among the hospital, our client, and our firm for fees incurred to secure this money. Nanticoke refused and demanded all of the money that was recovered.

The Delaware Supreme Court held that the legal fee incurred to secure a recovery for Nanticoke must be paid. Then Nanticoke could take the full amount remaining, with the injured party receiving nothing for her injuries. To soften the blow to our client, we gave her some of the money reserved for legal fees.

This case has limited applicability to the members of the healthcare community not associated with Nanticoke. Our firm's policy has not changed. We will do everything possible to obtain full reimbursement for health care providers from the resources that are available.

Should you have any questions about this case, please feel free contact me at (302) 998-0100.

Sincerely,

Eric M. Doroshow
Attorney at Law



Forward email