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This document contains instructions related to the reporting requirements for Personal Injury Liens (PIL) effective January 1, 2020. Coordinated care organizations (CCOs) must fulfill these requirements by July 1, 2020.

If you have questions about these requirements, please contact Jake Jensen, PIL Unit Manager (503-378-4903 or [Jake.M.Jensen@dhs.oha.state.or.us](mailto:Jake.M.Jensen@dhs.oha.state.or.us)).

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### **Section 17(c): Third-Party Resource Reporting**

Contractor must inform PIL of all 3<sup>rd</sup> parties who are legally liable for all or part of the fees paid by the contractor for services provided to a member within 30 days of knowledge of such potential liability.

- These should be submitted by using the PIL online portal at [www.reportinjury.org](http://www.reportinjury.org).
- Please leave the comment field blank for these submissions on the online portal

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### **Section 17(e): Obtaining a lien assignment from DHS|OHA and providing notice**

Contractor must obtain a lien assignment from OHA (PIL) prior to any attempt to seek reimbursement from a member or a member's beneficiary's proceeds arising from an injury or death for which a third-party is financially legally-liable.

Upon approval from PIL, the Contractor must perfect its lien (file a lien with the county in which the tortfeasor resides in) and notify all parties that are subject to the lien.

- Contractor must provide PIL with administrative notice that a lien has been filed within 10 days after the lien has been perfected.

### **How to submit administrative notice**

Submit the administrative notice to [CCOMCODeliverableReports@dhs.oha.state.or.us](mailto:CCOMCODeliverableReports@dhs.oha.state.or.us) and [personal.injury@dhs.oha.state.or.us](mailto:personal.injury@dhs.oha.state.or.us).

Liens filed may be for cases where the contractor's claim is \$1,000.00 or more.

**NOTE:** All claims should be pursued; however, perfecting a lien with the county may have a threshold of \$1,000.00 or more. Claims that are below \$250.00 in value do not have to be *actively pursued*, but contractors should respond to initial requests from attorney's, insurance adjustors, District Attorney's offices and members. These thresholds should NOT be disclosed to any other parties outside of the contractor, contractor's subcontractor or OHA/PIL.

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### **Section 17(f): Procedure for requesting a lien assignment**

Contractor shall request the lien assignment by completing the online request located at [www.reportinjury.org](http://www.reportinjury.org). At a minimum the contractor shall provide the following information:

- Contractor's name
- Member's name and address

- Date of Injury
- Insurance or attorney information for either member or liable 3<sup>rd</sup> party (if known)
- Under comments on the online form, indicate “**Request Lien Assignment**”

**NOTE:** This is how PIL will prioritize its work by completing lien assignment requests first and responding to the CCO’s quickly.

### **Section 17(g): Reporting status of liens to DHS|OHA**

Within 5 business days after the end of each calendar month, Contractor shall provide the PIL unit with a report of all PIL cases that are active, compromised, closed, or terminated.

This report shall include the following:

- 1) Contractor’s name
- 2) All active liens/PIL cases
- 3) All liens that were closed, compromised, or terminated in the subject month (this includes all settled cases)
  - a) Report will have a field that is labeled Case Type and identify the above types of cases (i.e. active, closed, compromised terminated)
- 4) For all cases:
  - a) Member’s name
  - b) Medicaid ID #
  - c) Date of member’s injury
  - d) Amount of contractor’s lien
- 5) For all closed, compromised or terminated liens/cases:
  - a) The date of any settlement or judgement, if known
  - b) The gross amount of any settlement or judgement, if known
  - c) Amount received from any liable third-party
  - d) Any other information that PIL requests

### **How to submit the monthly report**

These reports are being requested retroactive to **01/01/2020**. Please use the Excel file named “Exhibit B Part 8 17g - PIL Monthly Reporting Template” to report these cases.

Submit the report to [CCOMCODeliverableReports@dhsosha.state.or.us](mailto:CCOMCODeliverableReports@dhsosha.state.or.us) and [personal.injury@dhsosha.state.or.us](mailto:personal.injury@dhsosha.state.or.us).

### **Sections 17(h), 17(i) and 17(j): Creating a lien release template**

Contractor must create a lien release template that conforms with the requirements of ORS 416.560.

Contractor must provide its lien release template to PIL annually for review and approval prior to use. The lien release template shall be provided to the PIL unit via administrative notice by no later than January 31 each contract year.

In the event that the contractor makes a material change to the lien release template after approved by the PIL unit, then the contractor must provide such amended template to the PIL unit via administrative notice for review and approval.

## How to submit the template

This deliverable was extended to **6/30/2020**. Submit the template to [CCOMCODeliverableReports@dhsosha.state.or.us](mailto:CCOMCODeliverableReports@dhsosha.state.or.us) and [personal.injury@dhsosha.state.or.us](mailto:personal.injury@dhsosha.state.or.us).

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### **Section 17(l): Compromising assigned liens**

Contractor must obtain the prior written approval from the PIL unit before compromising any assigned lien. In the event both the contractor and PIL have a lien against the same third-party, the lien filed by the PIL unit is payable before Contractor's lien.

### **How to request a compromise**

When requesting a compromise of any assigned lien please email your request to [personal.injury@state.or.us](mailto:personal.injury@state.or.us). **In the subject line** please indicate Lien Compromise Request.

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### **Section 17(m): When liens are owed to both the Contractor and PIL**

If the PIL unit has a lien that has not been paid in full and the Contractor has received payment on such lien, OHA shall have the right to offset from payments owing to Contractor the lesser of (i) the unpaid amount of the PIL lien or (ii) the amount the Contractor received in satisfaction of such lien.

### **PIL review process:**

PIL will review the monthly case files sent in by the Contractor to determine if PIL's lien was not paid in full.

If PIL determines cases where the contractor was paid before PIL, then PIL will compile those case details and return to the contractor for review and payment.

### **Contractor to remit payments to PIL at:**

Personal Injury Liens Unit  
PO Box 14512  
Salem OR, 97309

### **PIL will reduce offsets for cases settled and paid prior to 7/1/2020:**

For cases settled and paid prior to 7/1/2020, PIL will reduce the payment offset by the contractor's fee paid to their sub-contractor for their subrogation work.

For cases settled after 7/1/2020, PIL will not reduce the payment offset by the sub-contractor's fee.