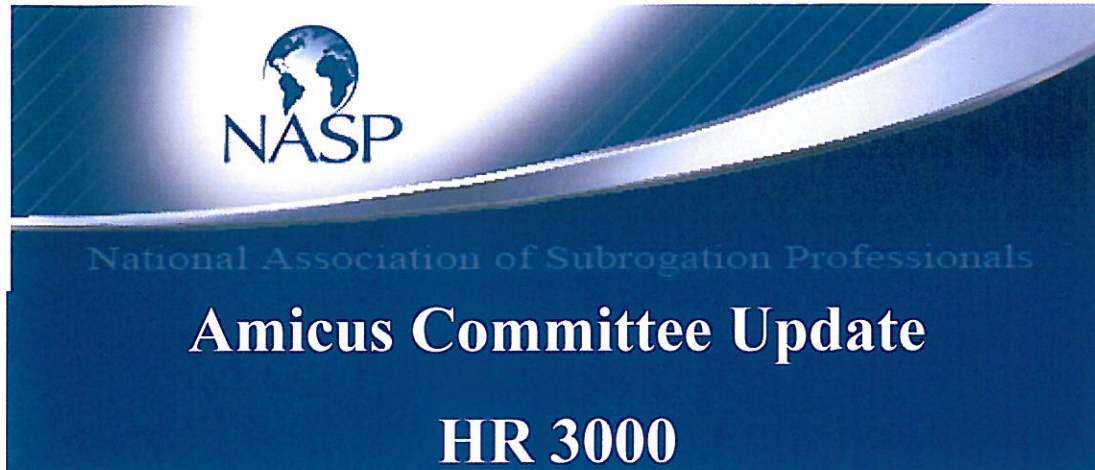


From: leslie.wiernik@subrogation.org [mailto:leslie.wiernik@subrogation.org]

Sent: Friday, September 30, 2011 10:43 AM

To: Leslie Wiernik

Subject: NASP Amicus Committee Update - House Bill 3000



Recently, several Republican U.S. House members introduced HR 3000. While it contains dozens of provisions aimed at revamping the nation's healthcare system, it also contains a provision about collateral sources exactly like the one in HR 5, which was introduced earlier this year.

The bill would severely limit subrogation recoveries for healthcare, disability and workers' compensation carriers. The bill is directed toward the introduction of collateral sources during a personal injury or wrongful death case. The payment of collateral source benefits is allowed into evidence. However, the opposing party is then entitled to introduce the cost of premiums to secure the coverage, including future premium costs. The bill further states:

No provider of collateral source benefits shall recover any amount against the claimant or receive any lien or credit against the claimant's recovery or be equitably or legally subrogated to the right of the claimant in a health care lawsuit involving injury of wrongful death.

This is very broad and stringent anti-subrogation language aimed to close all avenues of recovery, including the right to subrogation, whether equitable or contractual, and/or the right to recovery. Continuing with the stringent language the bill clearly expresses that it applies to any lawsuit that is settled or resolved by a fact finder. The one issue that the bill did not specifically address is when a claim, as opposed to a lawsuit, is settled. Is subrogation or the right to recovery prohibited? This appears to be a loophole that was inadvertently left unanswered or open to interpretation.

Thanks to Joseph Willis III with Gibson & Sharps for identifying and researching this bill.

Kammy Poff, Chair
NASP Amicus Committee

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