

## **FAQ: How Will My Medical Bills Be Paid?**

### ***Q. I've been injured because of another party's negligence, and I'm incurring significant medical expenses. How will my medical bills be handled?***

**A.** If you have private health insurance or if you qualify for Medicare or Medicaid, you should see if your healthcare provider will submit medical bills to your health insurance company, or to Medicare or Medicaid. If you do not have health insurance and you do not qualify for Medicare or Medicaid, your healthcare provider may require that you sign documents assigning an interest to your benefits under your no-fault automobile insurance, *Personal Injury Protection* (PIP) or medical payments coverage. Generally speaking, a hospital emergency room cannot refuse to treat you for emergency care because you don't have the ability to pay for services.

### ***Q. I was treated in a hospital emergency room immediately after my accident, but I have no health insurance. How will my hospital bill be handled?***

**A.** Under Chapter 55 of the Texas Property Code, a hospital has a lien on a cause of action or claim of an individual who receives hospital services for injuries caused by an accident that happened because of another person's negligence. The individual must be admitted to a hospital no later than 72 hours after the accident for the lien to attach. The lien also extends to both the admitting hospital and to any hospital where an individual is transferred for treatment of the same injury. The lien then attaches to the proceeds of a settlement of a claim by the injured individual, but typically only applies to compensation recovered from a third-party or liability insurance carrier for a third-party and not your own insurance.

### ***Q. My health insurance company paid for my medical expenses. Will I have to reimburse my health insurance company from any recovery that I get?***

**A.** It depends on the language in your health insurance contract. It is common for health insurance companies to have what is known as subrogation clauses, and some of these can be quite difficult. In the most general terms, these clauses require the injured individual to repay the health insurance company for any expenses it paid because of the accident.

*Do you have other questions about how your medical bills will be handled, or what your legal rights are following an injury? Contact Mark Hefter for more information.*