



# Personal Injury, Third Party Liability and Worker's Compensation Claims Information

## How is Partnership HealthPlan of California (PHC) connected to Medi-Cal?

PHC is a Community-based Health Care Organization (COHS Plan) that contacts with the California Department of Health Care Services (DHCS) to administer Medi-Cal benefits through local care providers to ensure Medi-Cal recipients have access to high-quality, comprehensive, and cost-effective health care.

## What laws govern the State of California Medi-Cal Third Party Liability and Recovery Program?

The law which governs this program can be found here: [Welfare and Institutions Code Sections 14124.70 - 14124.795](#)

## I am an attorney and my client is a Medi-Cal beneficiary. How do I request medical records, medical bills, and a Medi-Cal lien amount?

### 1. Medical Records

Medical records should be requested from the provider who rendered medical and/or other services to your client. PHC typically does not store our members' medical records.

### 2. Medical Bills

PHC can provide an itemization of claims paid by Medi-Cal on behalf of our members. To request an itemization of claims, the follow must be submitted to PHC:

- A letter of representation with enough information such that PHC can accurately identify your client in our system. At a minimum please include your client's full name, date of birth, and social security number, or CIN; and
- A valid Authorization or Release of Information signed and dated by your client. If your authorization does not meet our criteria, you will need to use PHC's Release of Information form. [Click here.](#)

Please submit these documents to the following address:

Partnership HealthPlan of California  
Attn: Legal Affairs Unit  
4665 Business Center Drive  
Fairfield, CA 94534  
Fax: (707) 863-4304



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### 3. Medi-Cal Lien amount

DHCS retains sole lien/claim rights in instances where a third party is liable for medical services paid for by Medi-Cal. The DHCS, Third Party Liability and Recovery Division (TPLRD) is required by federal and state law to recover funds for Medi-Cal paid services related to a liable third party action in which a settlement, judgment, award or claim occurs. PHC makes no claim for recovery of the value of covered services rendered to a member.

**Please note:** Per PHC's Contract with DHCS, PHC will notify DHCS any time we discover instances or cases in which we believe an action by a Medi-Cal beneficiary involving casualty insurance, a tort claim, or Worker's Compensation liability of a third party could result in recovery by the member of funds to which DHCS has lien rights under Article 3.5 (commencing with Section 14124.70), Part 3, Division 9, Welfare and Institutions Code.

For more information, please visit DHCS' Medi-Cal Third Party Liability and Recovery Division webpage [here](#).

**Alternatively, you can send all required information directly to:**

Department of Health Care Services  
Third Party Liability and Recovery Division  
Casualty Insurance Operations – MS 4720  
PO Box 997425  
Sacramento, CA 95899-7425  
Phone: (916) 445-9891

**Or, for Worker's Compensation specific lien amounts, send all required information directly to:**

Department of Health Care Services  
Third Party Liability and Recovery Division  
Workers' Compensation Recovery Program – MS 4720  
PO Box 997425  
Sacramento, CA 95899-7425

## Subpoenas and Other Requests

The Legal Affairs Unit processes inquiries related to Protected Health Information ("PHI"), Subpoenas, Guardianship, Public Records Act ("PRA"), and California Government Claims.

**These types of request can be sent to the following address:**

Partnership HealthPlan of California  
Attn: Legal Affairs Unit  
4665 Business Center Drive  
Fairfield, CA 94534  
Fax: (707) 863-4304



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Please note: The Legal Affairs Unit is also PHC's designated Agent for Service of Process.

Please note that medical records should be requested from the provider who rendered medical and/or other services to the Medi-Cal beneficiary. PHC typically does not store our members' medical records. However, PHC can provide an itemization of claims paid by Medi-Cal on behalf of our members.

## Notice to Attorneys on your Medi-Cal Reimbursement Obligations

Medi-Cal has the right to recover against a third party who injured a Medi-Cal beneficiary (member) (Welfare & Institutions Code § 14124.71 et seq.) (W&I Code). Pursuant to the W&I Code Section 14124.70 et seq; a Medi-Cal beneficiary or personal representative is required by law to report to DHCS in writing within 30 days of filing the claim or action. These reports must be submitted online or by mail and Attorneys must submit a Medical Authorization from their client.

If the injured party (member or client) is a Medi-Cal member, DHCS will send a Notice of Lien stating their rights to recovery. Receiving a Medi-Cal lien amount can take up to 120 days. If the injured party (member or client) is not currently Medi-Cal eligible DHCS may send a notice stating that their Medi-Cal status will be rechecked in 90 days for retroactive eligibility.

If a settlement is reached and funds are paid to a Medi-Cal member without reimbursement to DHCS, the member can be held liable to reimburse DHCS.

Please notice that unlike matters involving Medicare beneficiaries, Medi-Cal settlement drafts may include Medi-Cal members and DHCS in lieu of a final letter. Including DHCS on the settlement draft then relieves the insurer (Liable Party) of reimbursing Medi-Cal and places the responsibility on the Plaintiffs' Attorney and the Plaintiff (Medi-Cal member).

## How can I get my request to move faster with DHCS?

There are several things that you can do to reduce the time it takes to process a case:

- Notify DHCS within 30 days of taking an action or filing a claim.
- Use the online forms described on page 2.
- If you are an Attorney, send a letter of representation and a signed medical authorization to DHCS. This will allow them to speak with you regarding the members (your clients) case.
- If you have an upcoming court or mediation date and need a Medi-Cal lien amount, alert DHCS as soon as you get the date. DHCS needs time to obtain treatment data for the lien.
- When your case settles, submit a copy of the settlement release to DHCS, so they can calculate the payable lien amount. If you're an Attorney, include itemizations for your fees and litigation expenses; and last notify DHCS as soon as possible after the Medi-Cal member (your client) has completed treatment.



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### The DHCS Personal Injury Program has imposed a lien on my settlement, Can I get a reduction?

Yes, there are three sections of the Welfare and Institutions (W&I) Code that allow for a reduction of a lien. DHCS's recovery is limited to the amount derived from applying [Sections 14124.72, 14124.76, and 14124.78](#) whichever is less. To grant a reduction, DHCS may need a copy of the settlement release documents along with itemized Attorney's fees and litigation costs.

See [http://www.dhcs.ca.gov/services/Pages/TPLRD\\_PIP\\_FAQ.aspx](http://www.dhcs.ca.gov/services/Pages/TPLRD_PIP_FAQ.aspx).

### What happens if the insurance company sends a member or their Attorney a settlement check made out to the member and DHCS (Medi-Cal)?

First, DHCS only endorses checks in which they have a recoverable interest. DHCS prefers that the insurance company issue separate checks –one check made payable to *Department of Health Care Services*, and another made payable to the member. If the insurance company only issues a joint check, the Attorney and/or member has three options:

1. Endorse the check and send it to DHCS. They will cash the check, deduct the Medi-Cal lien amount, and send you a refund for the difference. This process takes up to 60 days.
2. Pay Medi-Cal's lien amount via cashier's check, money order, or electronic fund transfer in exchange for DHCS's endorsement.
3. If you're an Attorney and listed as one of the payees on the check, send DHCS a completed [Letter of Guarantee \(Form 4204\)](#) along with the check in exchange their endorsement.

DHCS does not accept checks for endorsement if there is no interest in the payment. If DHCS has no interest in an insurance company check, please work with the insurance company to obtain a new check made out to the member.

### How can I get a letter releasing Medi-Cal's lien?

Upon request, DHCS will issue a release letter after the lien amount has been paid in full.