

**DISTRICT OF COLUMBIA
FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT**

BULLETIN NO. 22

SEPTEMBER 2006 (Reissued)

Bulletin No. 22 is a reissue of Old Bulletin No. 81 issued November 2002.

MEDICAL LIEN PROCEDURES

Section 1. Authority

This Bulletin is being issued as required by Section 6 of the District of Columbia Medical Recovery Act of 1978, effective August 17, 1978, (D.C. Law 2-100: D.C. Code Official §5-605), and 20 DCMR 2003 et seq.

Section 2. Applicability

This order applies to any firefighter who sustains an injury or contracts an illness in the performance of duty where there is a potential claim against a third party for damages. All firefighters are responsible for acting in accordance with this bulletin as soon as they become aware that there is a possibility for recovery of damages from a third party. The District of Columbia Fire and Emergency Medical Services Department is required by law to place a lien against any payments for damages by third parties in order to reimburse the District for expenses related to medical care and performance of duty pay.

Section 3. Procedures

1. F&EMS Form 44, "Report of Illness or Injury to Uniform Member"

The member who completes the form 44 shall indicate whether, based on information currently available, there is third party involvement in the injury. If it is unknown, check unknown.

2. Police and Fire Clinic

- a. Clinic Data Record

When reporting to the Police and Fire Clinic (PFC), the member shall indicate whether there was third party involvement in the illness or injury on the Clinic Data Record.

- b. Authorization for Release of Medical Records

When requesting medical records, the member shall indicate in the space provided if the request is related to a third party claim.

c. Notice to the Agency

- (1) Within 10 days any member making a claim against, commencing litigation, or entering into settlement negotiations with a third party, as a result of an illness or injury for which the member received medical or other care from or at the expense of the District Government, shall submit written notifications, along with a copy of the Form 44, to the Fire/EMS Chief and the District of Columbia Deputy Attorney General, Enforcement Division.
- (2) The member shall also provide written notice of the District's lien interest to the third party at the time of making a claim or instituting a proceeding or entering into settlement negotiations.
- (3) A member may request that the District government compromise, settle, release or waive its claims for care provided to him or her, by making such a request in writing, indicating the reasons for the request, to the Deputy Attorney General, Enforcement Division, Office of the Corporation Counsel, 441 4th St., N.W. 20001.
- (4) Within five days of receiving any proceeds of a settlement or judgment against a third party for illness or injury sustained or contracted in the performance of duty, the member shall ascertain from the Attorney General the amount of any lien on behalf of the District of Columbia and pay the amount of any such lien.
- (5) No member shall expend or disperse any proceeds of a settlement or judgment against a third party prior to payment of the lien as required by the Attorney General.

Section 4. Discipline

Failure to follow the procedures set forth in this bulletin, including failure to disclose the existence of a third party claim, will result in disciplinary action, up to and including termination.

Section 5. Definitions

For the purpose of this Bulletin, the following terms are defined:

Claim - any rights to payment for recovery of damages, regardless of whether the claim is disputed, settled or reduced to judgment.

Damages - monies which may be paid to a firefighter by a third party in compensation for illness or injuries to his or her person. Damages include, but are not limited to, recovery for pain and suffering, medical care and lost wages.

Judgment - the final decision of the court on a claim for damages.

Lien – the government’s right to enforce a charge against a claim paid by a third party in order to reimburse the District for expenses incurred in providing an ill or injured firefighter with medical treatment and performance of duty pay.

Pain and Suffering – not only physical discomfort or distress but also mental and emotional trauma which is recoverable as elements of damages.

Person or Party – any individual, corporation, labor union, company (including insurance company), partnership, association, sole proprietorship, trustee, executor or legal representative,

Settlement – the final disposition of a claim between an ill or injured firefighter and a third party as a result of an agreement between the parties or their representatives.

Third Party or Person – any person or party, other than an employee on the Department, who may be held responsible for illness or injuries to a firefighter acting in the performance of his or her duties.

Section 6. Procedure for Third Party Claims:

1. The Medical Services Officer (MSO) will review the F&EMSD Form 44 and “Authorization to Release Medical Information” for third party claim.
2. The MSO will transmit this information to the General Counsel on F&EMSD Form 15, Report of Possible Third Party Claim.
3. Payroll will also notify the General Counsel (Form 15) if a request for time and attendance records is made by an attorney or the employee.
4. The General Counsel will mail (1) a copy of this Bulletin, (2) an F&EMSD Form 15.1, Notice of Third Party Claim, and (3) a cover letter signed by the Fire/EMS Chief, to the ill or injured firefighter to be used in the event any payment or compensation is received from a third party.
5. Upon notification of a third party recovery, the General Counsel will notify the MSO and Payroll so that records can be collected regarding costs. The General Counsel will prepare a F&EMSD 15.2, Notice of Medical Recovery Lien, for submission to the Attorney General based on information provided by Payroll and the MSO.

Forms are attached.

F&EMSD
Form 15
(Rev. 11-99)

DISTRICT OF COLUMBIA FIRE AND EMS DEPARTMENT
Report of Possible Third Party Claim

Date

TO: General Counsel

FROM:

SUBJECT: Report of possible third party claim

Attached is a copy of a:

_____ F&EMSD Form 44;

_____ Authorization for release of medical records

_____ Request for time and attendance records; and

_____ Other document(s),

Indicating that this employee may have a claim against a third party.

I was contacted by telephone by the employee or his/her representative requesting information leading me to believe that the request was related to a third party claim.

Name of Employee

Name of Contact

Telephone Number of Contact

For additional relevant information, use reverse side of this form.

F&EMSD

DISTRICT OF COLUMBIA FIRE AND EMS DEPARTMENT

Form 15.1

Notice of Third Party Claim

(Rev. 11-99)

Date:

Fire/EMS Chief

D.C. Fire and EMS Department

Attn: General Counsel

Suite S207

1923 Vermont Ave., N.W.

Washington, DC 20001

Deputy Attorney General
Enforcement Division
Office of the Attorney General
441 4th St., N.W.
Washington, D.C. 20001

You are hereby notified that I have a claim against a third party as a result of an illness/injury for which I have received medical care, performance of duty pay, or other care, from, or at the expense of the District government.

The third party is:

Name (Print)

Address

Telephone Number

I understand that the District of Columbia government has a lien against any claim in this matter.

Signature (Date)

MEMORANDUM

TO: John Doe
Firefighter
101 1st St., N.W.
Washington, D.C. 20000

FROM: Adrian H. Thompson
Interim Fire/EMS Chief

DATE:

SUBJECT: Possible Third Party Claim

Dear Firefighter Doe:

It has been brought to the attention of this agency that you may have a claim against a third party as a result of an illness/injury for which you have received medical care, performance of duty pay, or other care from or at the expense of the District government. The illness/injury occurred or commenced on (DATE) and the name of the possible third party is (NAME).

This is a reminder that in the event you make a claim against, commence litigation against, or enter into settlement negotiations with a third party regarding this incident, you must comply with the provisions of Fire and EMS Department Bulletin No. 29.

Review Bulletin No. 29 carefully. For your convenience, a copy of F&EMSD Form 15.1, Notice of Third Party Claims is enclosed.

If you have any questions regarding these procedures, contact the General Counsel, Theresa Cusick, at (202) 6732-3398.

Attachments