

Lien Filing

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Educational Conference

Electronic Filing

- Topics
 - What is a Lien and What is Not
 - Which liens file electronically
 - Which Liens Pay a fee
 - Reimbursement and other rules
 - How to file and pay
 - Questions

Once upon a time...



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What is a Lien:

All are listed in LC 4903

(a) reasonable atty fee payable out of compensation

(b) reasonable medical treatment expense

(c) living expenses

(d) burial expenses



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What is a Lien:

All are listed in LC 4903

(e) spouse or child support

(f) EDD State Disability

(g) EDD unemployment

(h) EDD family disability benefits

(i) Victims of crimes indemnification



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What is Not a Lien:

anything not listed in LC 4903

For example:

copy service

medical legal bills

non- treatment interpreter bills



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Ask your attorney:

interpreter bills for med treatment

may be a lien under LC4903

or

may be a cost under LC5811



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Which liens must file electronically?

LC4903.05(b)

every lien for medical treatment

even if exempt



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What is an exempt lien?

a lien for medical treatment listed in
LC4903.05(c) and 4903.06(b)

They are:

Health care service plan

under H &S 1349

Group disability insurer

under Ins 10270.5



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What is an exempt lien?

**Self-insured employee welfare
benefit plan** under Ins 10121

Taft-Hartley health and welfare fund

**Publicly funded program
providing med benefits
on a nonindustrial basis**



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Which liens pay a fee:

Medical treatment liens

Unless exempt or

Unless subject to IMR or IBR

Claims of costs filed as liens

All fees are paid electronically



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**Therefore,
medical treatment liens,
even the exempt ones,
must file electronically**

Also

**Claims of costs filed as liens
must file electronically**



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**Claim of costs filed as a lien
is treated as a lien and pays a fee**

Ex: Any cost filed on a lien form
Medical – legal expenses
5710 depo fee
interpreter fees
5811 costs
Voc. Expert fees
Copy service



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**Claims of costs filed as liens
file electronically and pay fees**

**Therefore filing a claim of costs
on a Notice and Request
for Allowance of Lien form in 2013,
must pay a \$150 filing fee.**

**Filing as a petition for costs,
does not owe a fee.**



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Payment filing fee:

**\$150.00 for med treatment liens and
all claims of costs filed as liens
filed after 1/1/2013**

**Pay at time lien is filed
electronically paid and filed**



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Fail to Pay \$150.00 filing fee:

**Lien is invalid and
does not extend or preserve
the time limit for lien filing
LC4903.05(c)(1)(2)**

Ask your attorney



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Payment \$100.00 activation fee:
for med treatment liens or
all claims of costs filed as liens
filed before 1/1/2013

Pay after lien is filed
Pay electronically



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Fail to Payment \$100.00 activation fee:

Must prove payment by earliest of
file DOR for lien conf

appear at lien conf or

by 1/1/2014



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Activation fee paid by earliest of:

**With the lien conf DOR,
Lien Claimant must prove Payment
LC4903.06(a)(2)**



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Activation fee paid by earliest of:

**At the lien conf,
Lien claimant of record shall bring
proof of activation payment**

**Otherwise lien shall be dismissed
with prejudice**

LC4903.06(a)(4)



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Activation fee by earliest of:

By 1/1/2014,

Any lien or claim of cost

filed before 1/1/2013

and no payment has been made or

no payment proof is available

Is Dismissed by Operation of Law



LC4903.06(a)(5)

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Reimbursement of fee by defendant:

**Clear inclusive demand 30+ days
before DOR or lien conf**

Defendant fails to accept demand

in writing within 20 days, and

Net award is > or = to demand

Judge orders reimbursement



LC4903.07(a)

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Reimbursement of fee by defendant:

**The parties agree to reimburse fee
as part of lien dispute resolution**

Judge can order reimbursement



LC4903.07(b)



What Liens can be filed in paper:

Liens not for medical treatment.

**Liens of 2 or more service providers
may not be merged into a single lien.**

**Liens that prove payment of a filing fee
in 2004 – 2007 do not have to pay again.**



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A lien for goods or services

**that is not the proper subject of a lien
may dismissed**

**by verified petition or
by court's own motion**

If dismissed

no reimbursement of filing fee



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Consolidated cases

**of liens for medical treatment
filed before 1/1/2013
pay the \$100.00 activation fee.**

**No double fee required if med treatment
is the same service
by the same provider
for the same injured worker.**



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How to file:

eforms or Jet



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How to pay:

New section of Public Search

Lien Fee



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Questions

