

D. Personal Injury Liens

INTENT

The intent of the personal injury liens program is to identify personal injury settlement situations to recover funds to reimburse the Medicaid and TANF programs; to comply with federal Medicaid regulations, which require recovery from any liable third-party resource; and to a limited extent, to assist clients in obtaining settlements that can assist in their self-sufficiency plan.

1. Responsibility for identifying personal injury settlements

Clients are responsible for reporting filing of a claim when they are involved in a vehicle accident or a personal injury situation. If the vehicle accident or personal injury occurred before applying for public assistance, clients must report such a claim at the time of application. Clients must pursue all available resources, including any third-party resource that may be liable. Clients are informed of their responsibility to pursue available resources when they sign the application.

The Personal Injury Liens Unit is responsible for identifying situations where a client may be involved in a vehicle accident or a personal injury situation when the client fails to report such situations.

Branch offices are responsible for ensuring client cooperation in completing the *Vehicle Related Personal Injury* ([MSC 451](#)) or the *Non-Vehicle Related Personal Injury* ([MSC 451NV](#)) forms when the client reports a vehicle accident or personal injury. Forward the completed form to the Personal Injury Liens staff.

2. Sources of information

Personal injury settlement situations may be discovered by the branch office from the following sources:

- Information from the client; **and**
- Other sources of information, such as the client's attorney, local newspaper articles and citizen phone tips.

The Personal Injury Liens staff may discover potential personal injury settlement situations from the following sources:

- Data matches conducted with Department of Motor Vehicles;

- Published lawsuits for personal injuries; and
- Information from medical provider claims.

The Personal Injury Liens staff will contact clients directly requesting completion of forms mailed by the program when information is developed from medical provider claims or from data matches with Department of Motor Vehicles to a completed injury form. If the client fails to respond, the branch staff will become involved.

3. How information is reported; forms

Clients report information through the *Vehicle Related Personal Injury* ([MSC 451](#)) or the *Non-Vehicle Related Personal Injury* ([MSC 451NV](#)) forms.

Assist the client, as necessary, in completing the forms.

- Information about vehicle accidents is reported using the [MSC 451](#);
- Information about all other personal injury situations is reported using the [MSC 451NV](#).

Completed forms are sent to the Personal Injury Liens Unit in Salem.

4. Penalties

In the Medicaid program, only the person who refuses to cooperate in identifying and pursuing the third-party resource or asset is ineligible. The remaining family members, such as the children, continue to be eligible for Medicaid. For all other programs except ERDC and SNAP, the penalty for not pursuing assets is ineligibility for the entire filing group.

Requirement to Pursue Assets Rule

[461-120-0330](#) — Requirement to Pursue Assets

5. Special considerations

- Refer all communications or questions concerning the lien to the Personal Injury Liens staff;
- Accept no payment related to the personal injury lien;
- Branch staff may contact Personal Injury Liens staff for technical assistance in assisting a client in the claim-filing process.