

To: Coordinated Care Organizations

From: Jake Jensen, Manager, Personal Injury Liens Unit

Date: January 23, 2025

Re: 2025 Policy and Procedure Guidance for Personal Injury Liens Requirements

This guidance document is intended to help CCOs in complying with the [2025](#) CCO contract (Ex. B, Pt. 8, Sec. 19), statutes, and administrative rules, and with developing internal processes, which should be reflected in its PIL policy and procedure, for the following:

1. Notifying Personal Injury Liens of any potential TPL activity;
2. Requesting lien assignments from PIL;
3. Approval of lien filing and release templates;
4. Filing and releasing liens with the appropriate county clerk;
5. Requesting lien compromise approval from PIL
6. PIL's offset recovery process; and
7. CCO completes monthly reporting requirements to PIL.

Please also refer to the associated 2025 PIL policy and procedure evaluation criteria.

Note: "CCO" also applies to a CCO's subcontracted subrogation firm if the CCO has delegated authority to work with Personal Injury Liens Unit (PIL) on its behalf. It is the responsibility of the CCO to ensure that any of its agents, including subrogation firms are complying with PIL guidance, the CCO contract, ORS 416.510 – 416.610, and applicable Oregon Administrative Rules.

Notifying PIL of any potential TPL activity (Exh B, Pt 8, Sec 19, Para f)

A CCO will inform PIL within 30 days of notice about 3rd parties who are potentially legally liable for all or part of the medical expenses paid by the CCO for services to a member.

1. When a CCO has identified a third party that may be responsible for the member's medical services as a result of an injury or an accident, the CCO shall collect as much of the following as possible:
 - a. Cause of injury (Motor Vehicle Accident (MVA), slip and fall, malpractice, workers compensation etc.);
 - b. Type of injury (broken leg, traumatic brain injury, etc.);
 - c. Date of injury (DOA);
 - d. Possible liable parties name(s) and address(es);
 - e. Any liability or no-fault insurance and claim number;
 - f. Attorney(s) information; and
 - g. Member's employer, if workers compensation.

2. A CCO should have a process to collect and store the information for possible use. A CCO shall inform PIL within 30 days of learning of potential 3rd party liability.
 - a. Submit the information using the PIL online portal at <https://apps.oregon.gov/OPAR/PIL/>;
 - b. Under "comments" on the online form a CCO or this subrogation firm shall insert "**Notification of Potential TPL**".

The following criteria will be used to determine compliance:

1. A CCO sent notice to PIL through online portal;
2. The notice was made within 30 days discovering a potential liable third party.
3. Comment field states "**Notification of Potential TPL**"; and
4. Member information filled out along with DOA, injuries sustained, and type of injury.

Requesting lien assignments from PIL (Exh B, Pt 8, Sec 19, Paras h-i; ORS 416.540(3); OAR 461-195-0321(1-10))

A CCO shall obtain a lien assignment from OHA (PIL) before seeking reimbursement from proceeds from a third-party that is legally liable for medical expenses of a member injured by the third party. Without a lien assignment approval from PIL, a CCO does not have legal authority to seek reimbursement from a legally liable third-party.

1. CCO will request the lien assignment by completing the online form located at <https://apps.oregon.gov/OPAR/PIL/>. The CCO will provide the following information to PIL:
 - a. CCO's name;
 - b. Member's name and address;
 - c. Date of Injury;
 - d. Insurance or attorney information for either member or liable 3rd party (if known). If unknown, CCO shall insert unknown under Insurance Company Name and Attorney Firm Name; and
 - e. Under "comments" on the online form, a CCO or its subrogation firm shall insert "**Request Lien Assignment**"

The following criteria will be used to determine compliance:

1. A CCO requested a lien assignment request using the online portal;
2. A CCO requested the lien assignment prior to seeking reimbursement from a third party;
3. A CCO provided the required information about the injured member and the accident;
4. A CCO inserted “**Request Lien Assignment**” in the comment field of the online form; and
5. PIL will be able to reference client on the CCO monthly reporting and see that the CCO previously submitted a lien assignment request (assumes there is recovery to pursue; otherwise, this will not apply).

Lien filing and lien release templates (Exh B, Pt 8, Sec 19, Paras k-l; ORS 416.560)

A CCO shall create a lien filing and lien release templates that substantially conform with the requirements of ORS 416.560 and ORS 205.232.

1. A CCO will also submit copies, annually, no later than January 31, by Administrative Notice for review and approval by PIL (or submit an attestation by this same date if there are no changes since the last versions approved by OHA).
2. Any material changes to approved templates shall be submitted to PIL, via Administrative Notice, for approval before use.
3. Administrative Notices shall be submitted to Contract Deliverables portal located at <https://oha-cco.powerappsportals.us/> and personal.injury@odhsoha.oregon.gov.

The following criteria will be used to determine compliance:

1. A CCO makes a timely annual submission of its lien filing and release of lien templates (or timely submission of attestation if there are no changes since the last versions approved by OHA);
2. Any changes to the templates are submitted by Administrative Notice and approved before use; and
3. Administrative Notices are sent to Contract Deliverables portal located at <https://oha-cco.powerappsportals.us/> and personal.injury@odhsoha.oregon.gov.

Filing and releasing liens with County Clerks (Exh B, Pt 8, Sec 19 Para k; ORS 416.540(4); ORS 416.550(1)(a)(b)(2))

Upon receiving a lien assignment approval from PIL, a CCO shall perfect its lien by filing the lien with the appropriate county clerk or other county recording official. For individual tortfeasors that is the county of the individual’s residence. A CCO shall release its lien once it has been paid in full or the parties agree to a resolution. A CCO will not issue a

satisfaction unless paid in full. Only a release will be issued if a CCO's lien is partially satisfied.

Filing a Lien:

1. A CCO shall file a lien with the recording officer of the county:
 - a. Where an individual tortfeasor resides;
 - b. Where a corporate tortfeasor (includes LLC's, partnerships, trusts) has its principal place of business. If there is no principal place of business in Oregon, then with the county or parish recording official of the nearest principal place of business; or
 - c. Where a public body, agency or commission, is a tortfeasor, the notice of lien shall be filed with the recording officer of the county in which the public body, agency or commission has its main offices, including any out of state county or parish recording officer.

2. A CCO shall notify the tortfeasor and the following, if known, about the lien:
 - a. Tortfeasor's attorney;
 - b. Tortfeasor's insurance adjustor(s);
 - c. OHP member;
 - d. The OHP member's attorney, if authorized by member;
 - e. The OHP Member's insurance adjustor(s);
 - f. Any other person authorized by the OHP member; and
 - g. Any party necessary to receive payment of the lien, subject to the confidentiality requirements of the OHA and CCO contract.

3. A CCO shall give PIL Administrative Notice when a lien is perfected by filing with the County Clerk. The Notice shall be within 10 days of perfecting the lien.

4. A CCO shall submit the Administrative Notice through the online form of notice at <https://apps.oregon.gov/OPAR/PIL/>;
 - a. Under "comments" on the online form, a CCO or its subrogation firm shall insert "**Notice of Lien Filed**".

5. A CCO shall perfect liens by filing for any case with a lien of \$1,000.00 or more. If the amount of a lien is under \$1,000.00, a CCO does not have to perfect the lien by filing, but a CCO shall still demand payment. A lien assignment is still required from PIL. In the event a lien increases to over \$1,000.00 that was initially under \$1,000.00, the CCO shall perfect its lien.

6. A CCO shall use a release of lien template substantially similar to the attached example.



Notice of Lien
Template for CCO_1;

The following criteria will be used to determine compliance:

1. A CCO, for liens \$1,000.00 or greater, filed a lien with the appropriate county;
2. A CCO notified all known and required parties of the lien;
3. A CCO notified PIL by submitting Administrative Notice to; <https://apps.oregon.gov/OPAR/PIL/>; and
4. A CCO inserted “**Notice of Lien Filed**” in the comment field of the online form;

Release of Lien:

A CCO’s shall release liens if the lien is satisfied in full or by compromise. The release shall be filed in same county as the lien filing.

1. The lien release will be with the recording official in the county of the lien filing;
2. A CCO shall notify all parties that received a lien filing notice;
3. A CCO shall notify PIL of the lien release by submitting the appropriate online form at <https://apps.oregon.gov/OPAR/PIL/>; and
4. A CCO shall use a release of lien template substantially similar to the attached example.



Release of Lien an
Receipt Template to

The following criteria will be used to determine compliance:

1. A CCO shall release its liens with the county in which they filed a lien;
2. A CCO shall notify all parties that received notice of the lien; and
3. A CCO shall notify PIL of the lien release through Administrative Notice to <https://apps.oregon.gov/OPAR/PIL/>

Requesting a lien compromise request from PIL (Exh B, Pt 8, Sec 19, Paragraph; OAR 461-195-0320(2)(1-5))

A CCO shall get prior written approval from PIL before compromising any assigned lien.

1. A CCO shall submit a request by emailing PIL at personal.injury@odhsoha.oregon.gov.
 - a. In the subject line indicate CCO Lien Compromise Request; and
 - b. Provide PIL with the attorney’s, insurance company’s, or member’s compromise request, include any documentation supporting the compromise request.
 - i. If there is a Medicare lien or medical providers who have not billed either Medicaid or the CCO, the CCO shall request the attorney/insurance adjuster to provide them with the final settlement amount of those liens prior to requesting a compromise.

2. PIL shall review the compromise request and within five (5) business days provide the CCO with a compromise amount, if any. This may include a compromise of PIL's and the CCO's lien. The CCO or its subcontractor shall respond to the PIL Unit's correspondence within five (5) business days of receipt.
 - a. An urgent request, shall say URGENT in the subject line; and
 - b. If the CCO is in the middle of mediation, then add "Mediation Pending" in the subject line.
3. PIL's review shall determine if PIL has a lien or claim.
 - a. PIL's lien or claim shall take priority over the CCO's lien;
 - b. If PIL has a lien, PIL will provide the compromise recommendation to satisfy PIL's lien in full or within reason depending on the settlement amount;
 - c. If PIL does not have a lien or claim, then PIL shall provide the CCO with a compromise amount of the CCO lien, if at all; and
 - d. When PIL reviews a compromise request it will consider the facts of the case, the parties involved, relevant legal issues and the mission of the Oregon Health Authority in reaching a decision.
4. Should PIL's compromise be rejected, then the CCO shall submit any counter compromise to PIL for further review; and PIL will provide further review of the compromise request, including next steps to compromise the CCO's lien.
5. Here is a model compromise request template for CCO use. The template does not have to be used, but all information within it shall be present when requesting a compromise request.



External Settlement
Worksheet v5.xlsx

The following criteria will be used to determine compliance:

1. A CCO shall submit a compromise request to PIL at personal.injury@odhsoha.oregon.gov prior to compromising a lien;
2. Compromise request contains the information provided in the model template;
3. CCO indicates in subject line CCO Lien Compromise Request,
 - a. Mark urgent if needed when a fast turnaround is required; and
 - b. Indicate "Mediation" if there is a pending mediation;
4. CCO submits PIL's compromise request;
5. If a recommended compromise is rejected a CCO shall submit any proposed counter compromise to PIL for approval; and
6. PIL will be able to verify the compromise request on the monthly CCO reporting of compromised cases.

PIL offset recovery process (Exh B, Pt 8, Sec 19, Para o; ORS 416.540(6); OAR 461-195-0325(2)(e))

If PIL has a lien not paid in full and a CCO has received payment on a lien for the same incident, then OHA has a right to offset from the CCO's recovered payments for the lesser of (i) the unpaid amount of the PIL lien or (ii) the amount the CCO received in satisfaction of such lien.

1. PIL shall review any cases that are settled or compromised to determine if PIL was paid in full and notify the CCO. PIL shall review a CCO's monthly report for cases where PIL was not notified by the CCO prior to settling or compromising a lien.
 - a. PIL shall determine cases where the CCO did not notify PIL of a compromise or the CCO received payment on a lien where PIL's lien was not fully paid;
 - b. If there are cases identified where PIL was not paid in full and the CCO recovered monies from a settlement, then PIL will issue an offset letter indicating the member(s) who PIL believes should have an offset payment issued to PIL;
 - c. The CCO shall ensure that PIL is updated with the correct accounts payable contact information for offset submissions;
 - d. The CCO will review the members identified by PIL for offset payments;
 - e. If the CCO disagrees with the identified offsets, then the CCO will reply to PIL by email at personal.injury@odhsoha.oregon.gov explaining the CCO's disagreement.
 - The CCO will attach the original offset letter sent to them by PIL.
2. PIL shall review the CCO's email disagreeing with the offset payments and determine if PIL is owed the money.
3. If an oversight by PIL, then PIL will email the CCO stating that the member is not subject to the offset payment.
4. If PIL determines that they are owed the offset payments, then the lien coordinator assigned to the case or the unit manager will contact the CCO to determine a mutual resolution.
 - a. The disagreement will be discussed between the CCO and PIL.
5. The CCO shall remit all offset payments to:
Personal Injury Liens Unit
PO Box 14512
Salem, OR 97309

The following criteria will be used to determine compliance:

1. The CCO ensures that all compromise requests are submitted to PIL for review, including any counter compromise requests;
2. The CCO submits its monthly report of compromised and settled cases to PIL;

3. The CCO reviews the potential offset clients sent to them by PIL timely and responds appropriately as identified in the guidance; and
4. The CCO timely remits any identified offset payments to PIL.

CCO monthly reporting to PIL (Exh B, Pt 8, Sec 19, Para j)

Within 5 business days after the end of each calendar month, the CCO shall provide the PIL unit with a report of all its PIL cases that are active, settled, closed, or terminated.

This report shall include the following:

1. Contractor's name.
2. All active liens/PIL cases.
3. All liens that were closed, compromised, or terminated in the subject month (this includes all settled cases).
 - a. Report shall have a Case Type field that identifies the above types of cases (i.e. active, closed, compromised terminated).
4. For all cases:
 - a. Member's name;
 - b. Medicaid ID #;
 - c. Date of member's injury;
 - d. Amount of CCO's lien;
 - e. Attorney information, if known; and
 - f. Insurance information, if known.
5. For all closed, compromised or terminated liens/cases:
 - a. The date of any settlement or judgement, if known;
 - b. The gross amount of any settlement or judgement, if known;
 - i. Compromised cases shall include the gross settlement amount.
 - c. The amount the CCO received from any liable third-party; and
 - d. Any other information that PIL requests.
6. Submit the report to Contract Deliverables portal located at <https://oha-cco.powerappsportals.us/> and personal.injury@odhsoha.oregon.gov
7. The following are definitions related to the report template that should help CCO's understand what PIL is requesting.
 - a. **Gross Amount of Member Settlement-** This is the overall case settlement amount to the member not the CCO lien amount
 - b. **Case Status-** These should be open, closed, compromised, or terminated
 - c. **Case Type-** This should be civil or restitution.
8. Report format that shall be used:



CCO Monthly
Report Format_Open

The following criteria will be used to determine compliance:

1. The report was submitted by end of business on the 5th business day of each month;
2. The report was submitted to Contract Deliverables portal located at <https://oha-cco.powerappsportals.us/> and personal.injury@odhsoha.oregon.gov;
3. The report was submitted in the correct format provided by PIL; and
4. The report at a minimum will have the following elements described above in numbers 1, 2, 3, 3(a), 4(a)(b)(c), 5(a)(b)(c)(i),6,8.

Guidance Contact Information

CCOs may contact Jake Jensen, PIL Unit Manager, at jake.m.jensen@odhsoha.oregon.gov or 503-339-4073 for any questions about the guidance provided.