

The Virgin Islands Consortium

O'Reilly-Sponsored Bill Seeks To Recoup Hospital Expenses When Individuals File Suit For Injury And Are Compensated

Health / **Published On October 06, 2018 11:59 AM /**

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Senator Nereida Rivera-O'Reilly, serving her last few months in office, has been in overdrive pushing legislation she believes will help better the USVI. One of her latest notable measures, Bill No. 32-0358 -- which was heard on Friday in the Committee on Health, Hospitals and Human Services, which Mrs. Rivera-O'Reilly chairs -- seeks to help the territory's hospitals recoup costs for injuries treated when victims file suit against an establishment or person and win monetary compensation.

Take for example a person slips and falls at a supermarket. This person then visits one of the territory's hospitals, get treated for injuries, and leaves without compensating the hospital. Thereafter, this individual files a court action against the supermarket for the injury and winds up receiving financial compensation through a settlement or judgement. This person then pays the attorney's fees and other litigation expenses -- including the one-third or so normally set aside for the attorney -- and then walks away with the rest of the settlement or judgement, without paying the hospital what is due it.

Mrs. Rivera-O'Reilly's measure seeks to change that.

"This measure provides for hospital liens," she said. "This measure came out of a conversation that I had several years ago -- yes, it takes years to get legislation through -- with a local attorney who expressed concern that in instances where individuals seek care at our local hospitals after an accident for example, whether it's a slip and fall, whether it's a car accident. They may not have insurance, and then they file a lawsuit against the entity or the driver and they are successful in that litigation and are a recipient of a settlement or a judgement award."

She added: "Oftentimes the attorneys do not necessarily include in their expenses the expenses of the hospitals. Some lawyers do, but there are others that do not.... And so what this does is it allows for the hospitals to have the ability to place a hospital lien on a case once it is known that a case has been filed, in order to be able to recover whatever expenses are owed to the hospital for care of this plaintiff. And it allows for the hospital to be a participant of those proceeds -- whether it is a settlement or a judgement.



Senator Nereida-Rivera-O'Reilly

According to Mrs. Rivera-O'Reilly, the current law does not provide the automatic lien to the hospitals, although it does for workmen's compensation.

Many U.S. mainland jurisdictions already have similar laws on the books, ensuring that hospitals are compensated for the cost of care when patients seek immediate attention based on accidental injury.

In 2016, 400 patients were victims of accidents at the Schneider Regional Medical Center, according to testimony provided on Friday. Hospital bills for patients with severe injuries requiring surgery and inpatient stays totaled \$179,000 at S.R.M.C. To date, the medical facility has not recouped most of those monies despite treating accident victims.

The bill was lauded by lawmakers.

"This bill is a step in the right direction to collect much-needed funds for the hospitals in the territory," said Senator Marvin Blyden.

Senators also approved Bill No. 32-0216, a measure that seeks to define behavioral therapy to extend to individuals under the age of 22 with autism spectrum disorder. It also seeks to mandate that health insurers limit the yearly benefit for behavioral therapy to \$25,000 for individuals ages 13-22. The measure was sponsored by Mrs. Rivera-O'Reilly with co-sponsors Senators Myron Jackson and Brian Smith.

The estimate of special education students in the St. Thomas-St. John District is 473, while 574 are in the St. Croix District -- bringing the total to 1,047. Department of Education Legal Counsel Alvincent Hutson suggested that behavioral therapeutic services should extend to age 26, the cutoff age students can be insured under their parents' insurance plan. Lawmakers said the measure would be amended with the suggestion in mind.

Both measures were forwarded to the Committee on Rules and Judiciary for further vetting. However, Bill No. 32-0048, another Rivera-O'Reilly-sponsored measure which would require the Juan F. Luis Hospital board to solicit proposals for the selection of a third-party management or health system to manage the hospital, was held in committee.