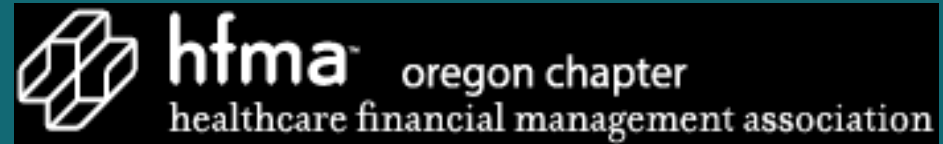


HFMA Oregon Chapter 2020



Effective Strategies in Identifying and Pursuing Less Commonly Recognized Payors

Shawn Mimnaugh – VP, Risk Management

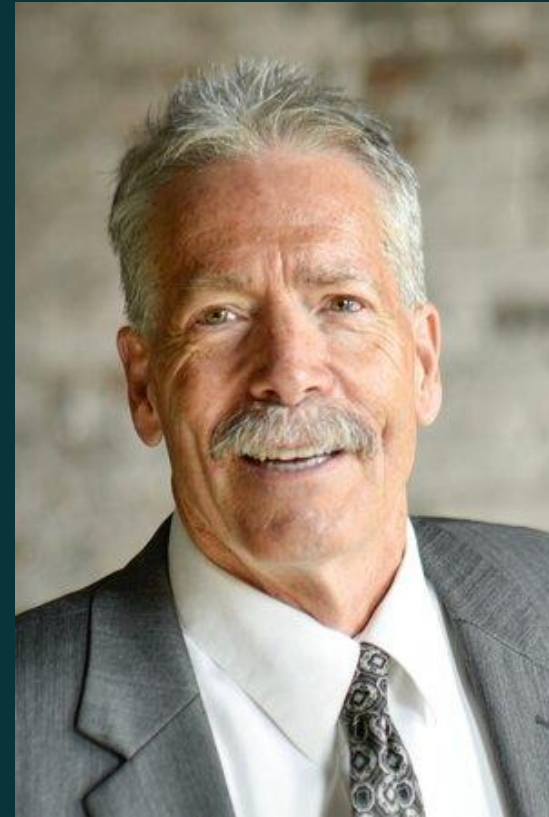


SHAWN MIMNAUGH

BIO

Shawn Mimnaugh is from Great Falls, MT. and graduated from Great Falls College Montana State University with degrees in Criminal Justice and Sociology. His thirty-plus years of experience includes positions as a U.S. Senate Staff Aid, Legal Investigator for the prestigious law firm of Church, Harris, Johnson & Williams, Consumer Fraud and Collection Officer I.T.& T., Senior Staff Subrogation Director Allstate Insurance Company and Executive Director Third Party Liability at MedData before accepting the position as Vice-President of Risk Management for I.R.R.G. / P.M.S.I.

Shawn specializes in management of complex hospital reimbursement claims and subrogation, in addition to educating employees on investigative techniques. Shawn is a volunteer puppy-sitter for Canine Companions and Guide Dogs for the Blind.



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We began in 1987, helping underinsured patients and their hospitals navigate Medicaid benefits. In the years since, that mission has expanded to include not only expertise in other benefits for the underinsured, but also new divisions dedicated to third-party liability, outsourced billing, and international claims recovery.

Pacific Medicaid Services takes pride in providing compassionate, respectful patient advocacy and innovative revenue cycle solutions, making it a leader among healthcare financial services companies. By ensuring that our healthcare clients excel at uninsured patient advocacy, billing and recovery, we provide a meaningful benefit for patients, their families and the communities they live in.

About Us

A History of Success

- Screening uncovers and identifies potentially responsible payers
- Litmus test for triggering insurance contract: exposure must be
SUDDEN & ACCIDENTAL
- Four items predicate recovery on every insurance contract:
 1. PATIENT'S STATUS
 2. COVERAGE
 3. LIABILITY
 4. DAMAGES



Insurance Contract Payment Equation

- Operator
- Owner
- Named Insured
- Beneficiary
- Resident Relative
- Passenger
- Occupant
- Guest
- Invitee
- Trespasser
- Permissive User
- Pilot
- Lessee
- Lessor
- Excluded Member



Patient Status

- Automobile
- Motorcycle
- Motorhome
- Caravan
- Broadform
- Golf Cart
- Marine
- Trailer
- Landlord
- Pet personal
- All-Terrain Vehicle (ATV)
- Recreational Personal Property (RPP)
- Aviation
- Personal Umbrella Policy (PUP)
- Course of Construction



Coverage

Liability

1st party contractual in effect at time of loss



No-fault
MedPay

Specific to medical
specials

PIP

No-fault
Personal Injury
Protection (PIP)

Wage, medical,
funeral, services



UN-insured
Motorist

No insurance



UNDER-insured
Motorist

Not enough insurance

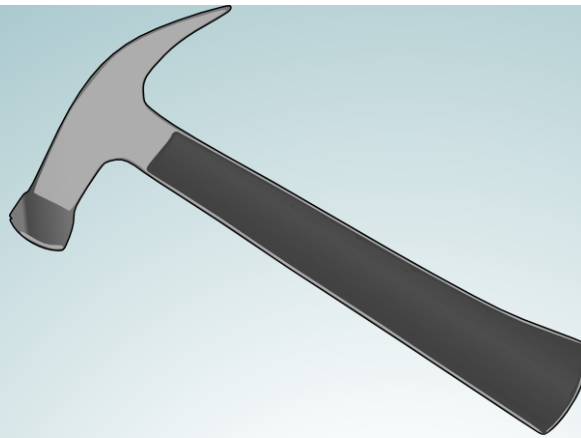


CINS

Contractual with the
hospital

3rd party claim against tortfeasor

Damages



General Damages

(Subjective)

- Pain and suffering
- Mental Anguish
- Loss of Consortium

Special Damages

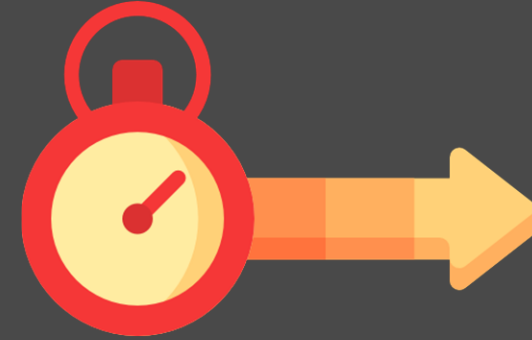
(Objective)

- Medical Expenses
- Wage Loss
 - related to ____ on ??/??/????
 - Related to future medical expenses

1. Accident / Incident Report
2. Ambulance / EMT run report
3. Medical Record
 - Admission
 - ED / ER
 - H&P
 - Discharge
4. Accounting
 - UB-04
 - Itemized Account Statement
5. Lien
6. Billing Statement
7. EOB
8. COB
9. Subsequent / intervening injuries, events and / or procedures

Types of Accounts

1. Organized Chronologically



2. Disorganized



- Coverages are not missed
- Maximize Recovery
- Mitigate the debt patients' shoulder at discharge
- Provides client a snapshot of account condition for streamlined review



Organizational Methodology

*Reason for organizing accounts

1. Commercial Health

- Co-Payment
- Deductible

2. Insured ERISA

- Co-Payment
- Deductible
- Asserting a Lien?

3. Uninsured

- Hospital Lien Filed

4. Work Comp / FELA

- Barred from filing lien

Assist provider in evaluating account for:

- Charity Care
- Financial Aid
- Negotiated Settlements



Organizational Methodology

Organizational Classes

Coverages

(To consider – and not miss)

- Victims of Crime

- Accidental Gun Shot Wound
- Pedestrian hit by vehicle

- C.O.B.R.A “...I just lost my job”

- Principal isn’t required to active beneficiaries’ coverage
- COBRA is designed to include – not exclude – eligible members



Do your homework on

- Member status
- Beneficiary status
- ERISA plan coverage

Do NOT rely on

- Human Resource Managers
- Third Party Administrators (TPA)
- Health Plan Benefits Administrators
- Fiduciary’s if Union Trust is involved

Example:

1. HR advises qualified beneficiary that group health continuation coverage is not available
2. Qualified beneficiary relied on this wrong information and made no request for COBRA coverage
3. After beneficiary’s death, estate sued claiming employer breached fiduciary duty

Two classes of intoxication injuries

1. Direct Injury [NO COVERAGE]
 - Example: liver failure
2. Indirect Injury [COVERAGE]
 - Example: being drunk which results in injury

- **Denied no-fault, UM / UIM**

- No contact between vehicle and pedestrian
- Debris in roadway

- **Denial citing “late notice”**

- Insurer has to be prejudiced



Denials

*Don't be too hasty at accepting

*Don't Assume insurers know

Majority of valid denials result from a change in risk

- Passenger Vehicle converted to Commercial Delivery
- Operating motorcycle vs. towing motorcycle on trailer
- Premises liability
 - Residential Guests vs. Wedding Reception



Denials

Validated Risks

Most insurers expanded personal insurance coverage for delivery liability

- Non-owned automobiles
- Delivery of food
- Groceries
- Pharmacy
- Medical supplies



TEMPORARY
expansion of coverages

Theory of Logo Liability

- Trucks / Trailers must display carriers logo during entire course of lease.
- Logo displayed on truck constitutes presumption of employee status* for purpose of carrier liability.

- **Vicarious Liability**

- Businesses can be held responsible for negligence of employees.
- Businesses are typically immune from negligence of independent contractor.

- **Adhesion Contract**

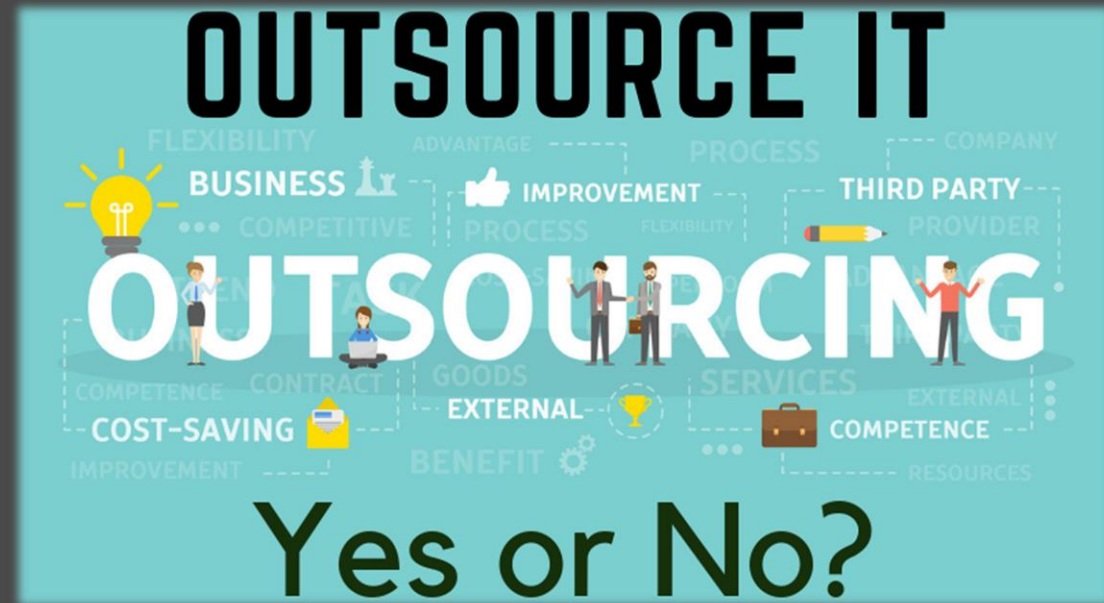
- Drafted by party in a position of power, leaving the weaker party to “take it or leave it”.



Logo Liability

- **UNDERSTANDING LARGER LOSS EXPOSURES**
- **Non-Delegable Duty Doctrine**
 - Certain activities are too hazardous to delegate the liability to an independent contractor.
- **Certificate of Waiver**
 - (FAA) grant of approval for a specific flight operation.

Non-Delegable Duty Doctrine





Questions?

Are there any questions we can help
answer?