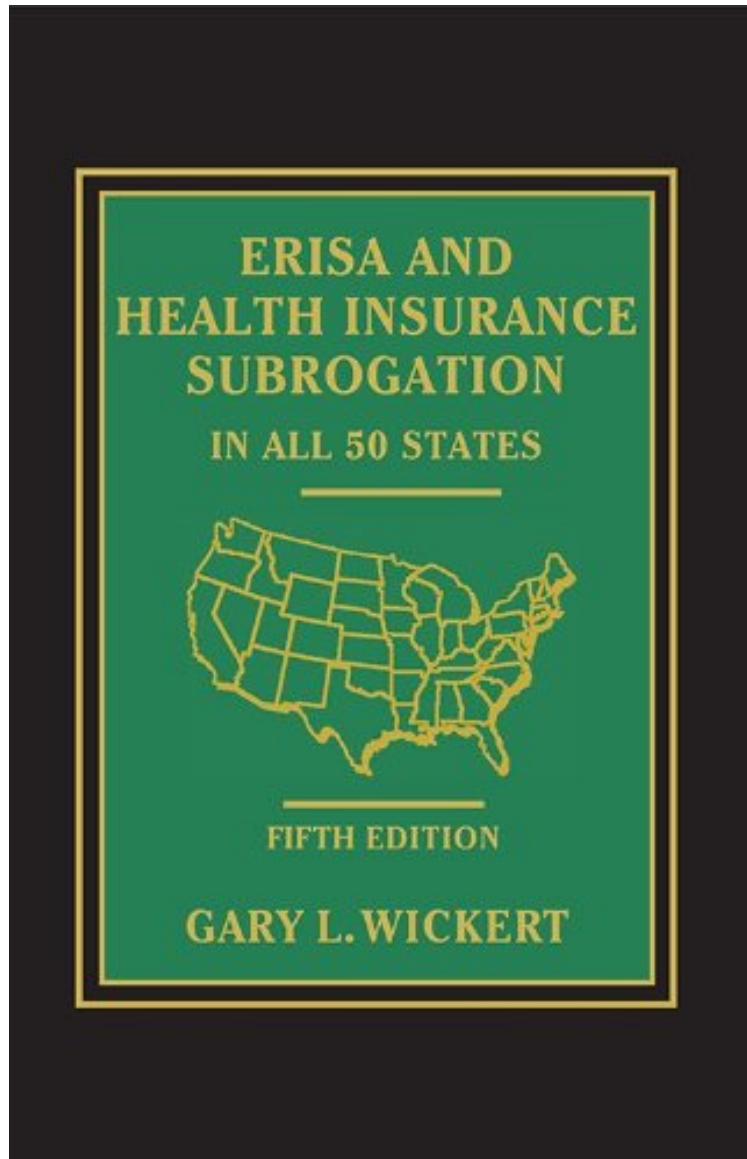


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## **ERISA and Health Insurance Subrogation in all 50 States - 5th Edition**

*Gary L. Wickert*

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**Gary L. Wickert : ERISA and Health Insurance Subrogation in all 50 States - 5th Edition** before purchasing it in order to gage whether or not it would be worth my time, and all praised ERISA and Health Insurance Subrogation in all 50 States - 5th Edition:

The Fifth Edition of ERISA and Health Insurance Subrogation In All 50 States has been completely revised, edited, and reorganized. This was partly to reflect the new direction recent case decisions have taken regarding health insurance subrogation as well as the crystallization of formerly uncertain and nebulous areas of the law which have now received some clarity. An entirely new chapter entitled, What Constitutes Other Appropriate Equitable Relief? has been added and replaces the old Chapter 9, which merely dealt with Knudson and Sereboff. The new edition introduces new state court decisions addressing the issue of causation and whether and when a subrogated Plan seeking reimbursement must prove that the medical benefits it seeks to recover were causally related to the original negligence of the tortfeasor. An entirely new section was added concerning the subrogation and reimbursement rights of Medicare Advantage Plans, a statutorily-authorized Plan which provides the same benefits an individual is entitled to recover under Medicare. This includes recent case law which detrimentally affects the rights of such Plans to subrogate. Also added to the new edition is additional law and explanation regarding Medicaid subrogation, including the differentiation between cost avoidance and pay and chase when it comes to procedures for paying Medicaid claims. Significant improvements have been made to suggested Plan language which maximizes a Plan's subrogation and reimbursement rights. The suggested language stems from recent decisions and developments in ERISA and health insurance subrogation from around the country since the last edition. The new edition has been completely reworked both in substance and organization. Recent case law has necessitated consolidation of several portions of the book and elimination or editing of others. A new section entitled Liability of Plaintiff's Counsel has been added, which provides a clearer exposition on the laws applicable and remedies available when plaintiff's attorneys and Plan beneficiaries settle their third-party cases and fail to reimburse the Plan. Also new to the book are recently-passed anti-subrogation measures such as Louisiana's Senate Bill 169, 1881, which states that no health insurer shall seek reimbursement from automobile Med Pay coverage without first obtaining the written consent of the insured. The new edition also goes into much greater detail on the procedures for and law underlying the practice of removal of cases from state court to federal court, and the possibility of remand back to state court. This includes the Federal Courts Jurisdiction and Venue Clarification Act of 2011, effective Jan. 6, 2012, which amended federal removal, venue, and citizenship determination statutes in very significant ways. The new edition also delves into, for the first time, the role which the federal Anti-Injunction Act plays when beneficiaries sue in state court to enforce the terms of an ERISA Plan, while the Plan files suit in federal court seeking an injunction against the state court action. New case law and discussion on preemption of FEHBA subrogation and reimbursement claims have been added to Chapter 10 in the wake of new decisions regarding same.

About the Author Gary Wickert is an insurance trial lawyer and is regarded as one of the world's leading experts on insurance subrogation. He is also the author of several subrogation books and legal treatises and is a national and international speaker and lecturer on subrogation and motivational topics. After 15 years as the youngest managing partner in the history of the 30-lawyer Houston law firm of Hughes, Watters Askanase, L.L.P., Mr. Wickert returned to his native Wisconsin in 1998 and co-founded the subrogation firm of Matthiesen, Wickert Lehrer, S.C. He oversees a National Recovery Program which includes a network of nearly 285 contracted subrogation law firms in all 50 states, Mexico, Canada and the United Kingdom and boasts recoveries of more than \$500 million in recoveries and credits for more than 200 insurance companies. Licensed in both Texas and Wisconsin, Mr. Wickert is double board-certified in both personal injury law and civil trial law by the Texas Board of Legal Specialization. He is also certified as a Civil Trial Advocate by the National Board of Trial Advocacy, for whom he has both written and graded the product liability questions contained on the NBTA national certification exam taken by trial lawyers around the country. For 25 years, Mr. Wickert has served as an expert witness and insurance consultant on subrogation and insurance related issues and has been consulted by insurance carriers, lawyers, and legislative bodies from several states. He is a licensed arbitrator and has attended more than 750 mediations in more than 30 different states. He has represented subrogated insurance carriers in every state, and has been admitted pro hac vice in 17 states. Gary Wickert has worked with the Texas Legislative Oversight Committee in rewriting their workers' compensation subrogation statutes, has served on the Board of the National Association of Subrogation Professionals, and has been cited as an authority on workers' compensation subrogation by several appellate courts, including the Texas Court of Appeals. He is one of only a few lawyers to have ever represented a subrogated carrier before the United States Supreme Court, and was named as one of Law Politics magazine's 'Super Lawyers' for 2005, 2006, and 2007.