THIRD PARTY LIABILITY (TPL) - CASUALTY RECOVERY QUARTERLY REPORT

Reporting Requirements

Current Virginia State Budget Bill (Item 292, Section AA):

"DMAS shall make information related to TPL activities available on the agency website. This data should be updated quarterly and include, but not be limited to, state and federal compliance status, backlogs and amounts recovered."

Code of Virginia § 8.01-66.9:2 (Section 2):

"That the Department of Medical Assistance Services shall report on a quarterly basis those offers of the payment for a sum certain in satisfaction of liens to which it does not respond pursuant to subsections B and C of § 8.01-66.9:2 of the Code of Virginia, as created by this act, to the Chairs of the Senate Committee on Finance and Appropriations and the House Committee on Appropriations."

Related Authority Compliance

Federal Statutes: Social Security Act (the Act), Section 1902(a)(25), Section 1912 14, Section 1917, 42 U.S. Code § 1396k

Federal Regulations: Code of Federal Regulations, 42 CFR 433.36 Liens and Recoveries, 42 CFR 433 Subpart D Third Party Liability

State Law: Code of Virginia § 8.01-66.9

Glossary of Terms

Casualty Recovery: A Medicaid beneficiary may need medical items or services because of injury caused by the action, inaction, or negligence of a third party. Such situations include vehicular and other accidents, injury caused by a defective product (product liability), job-related injury, and medical malpractice. All these situations are referred to as casualty cases. In this situation, the injury creates a cause of action for the injured party, who may make a claim for compensation for medical and other losses incurred because of the injury. Claims in these cases may be settled with or without court action. DMAS must recover from out-of-court settlements or court judgments (awards) that include compensation for medical expenses, since a third party is liable for the cost of medical care provided to beneficiaries that is necessitated by the cause of action. DMAS is required to recover, if possible, the full amount spent on a beneficiary's casualty related medical care. This is administered through a lien determination process.

Active Cases: Represents all current casualty cases that have been submitted to DMAS for completion through the lien determination process and have a pending completion status.

Liens Sent: Represents all casualty cases that have been submitted to DMAS for completion through the lien determination process and have been completed via the delivery of a lien total to a Medicaid beneficiary and/or their legal representative.

Recoveries: Represent the dollar amount recovered and returned to both the state and federal government as part of the completed lien determination process as required by CMS.

Liens Unaddressed: Specific to § 8.01-66.9:2 section 2 of the Code of Virginia, this represents the total amount of offers of the payment for a sum certain in satisfaction of liens to which the Department did not respond pursuant to subsections B and C of § 8.01-66.9:2.

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Reporting Period	**FY26 Q3**	
Category	**Q3**	**YTD (Total)**
Active Cases	613	613
Liens Sent	3,338	11,720
Recoveries	$ 9,306,958.00	$ 17,154,189.92
Liens Unaddressed (§ 8.01-66.9:2)	0	0