

Chapter 20 Payment for Care of Policemen and Firemen Injured by Third Parties

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2000 GENERAL PROVISIONS

2000.1 This chapter sets forth the procedures for:

- (a) Certifying the cost of care provided by the District to policemen and firemen injured by third parties;
- (b) Placing liens against recoveries by policemen and firemen for such injuries;
- (c) Providing notice of claims by policemen and firemen against third parties for such injuries;
- (d) Subrogating the District to such claims;
- (e) Distributing the proceeds of recoveries made on the basis of such claims; and
- (f) Requesting the release or waiver of a claim by the District against recoveries of policemen and firemen.

AUTHORITY: Unless otherwise noted, the authority for this chapter is section 6 of D.C. Law 2-100, the "District of Columbia Medical Care Recovery Act of 1978," effective August 17, 1978, D.C. Code § 4505 (1994 Repl.).

SOURCE: Final Rulemaking published at 36 DCR 798 (January 27, 1989).

2001 POLICE OR FIRE CHIEF TO CERTIFY COST OF CARE

2001.1 Within ten (10) days of the District of Columbia Police and Fire Clinic's first treating any policeman or fireman who suffers injury or disease in circumstances in which a third party may be responsible to pay damages, the Chief of Police or the Fire Chief, respectively, shall certify to the Corporation Counsel the estimated cost of reasonable value of care already furnished, or to be be furnished, to the policeman or fireman.

2001.2 In certifying the estimated cost or reasonable value of care, the Chief of Police or the Fire Chief shall include the cost or value of the following types of care already furnished or to be furnished:

- (a) Medical services;
- (b) Surgical services;
- (c) Dental services;
- (d) Prostheses and medical appliances;
- (e) Funeral expenses; and
- (f) Wages paid during any resulting leave of absence.

2001.3 The certification of the Chief of Police or the Fire Chief to the Corporation Counsel shall include the following:

- (a) The name and address of any potentially liable third party; and
- (b) A description of the third party's involvement.

SOURCE: Final Rulemaking published at 36 DCR 798, 799 (January 27, 1989).

2002 CORPORATION COUNSEL TO FILE LIEN AGAINST RECOVERY BY POLICEMAN OR FIREMAN FROM THIRD PARTY

2002.1 Whenever the Chief of Police or the Fire Chief certifies the estimated cost or reasonable value of care under § 2001, the Corporation Counsel shall file a written notice in the lien docket of the Office of the District of Columbia Recorder of Deeds of a lien for the amount certified upon any recovery of damages against a liable third person by the policeman or fireman treated.

2002.2 The Corporation Counsel shall file any such notice of lien within the applicable statute of limitations period for the underlying cause of action.

2002.3 The Corporation Counsel shall mail a copy of the notice filed by first class mail to each of the following:

- (a) The policeman or fireman treated;
- (b) Any third person alleged to be a liable for the policeman's or fireman's injury or disease; and
- (c) The third person's insurance carrier, if ascertained.

SOURCE: Final Rulemaking published at 36 DCR 798, 799-800 (January 27, 1989).

2003 POLICEMAN OR FIREMAN TO NOTIFY CORPORATION COUNSEL OF CLAIM AGAINST THIRD PARTY

2003.1 Within ten (10) days of any policeman's or fireman's making a claim against, or instituting a proceeding against, or entering in a settlement negotiations with, a third person as a result of any injury or disease for which the policeman or fireman has received care from the District, the policeman or fireman shall provide written notice of the same by mailing the notice first class to the Corporation Counsel and to the Chief of Police or Fire Chief, respectively.

2003.2 The policeman or fireman shall also provide written notice of the District's lien interest to the third party at the time of making a claim or instituting a proceeding or entering into settlement negotiations.

2003.3 Whenever the Corporation Counsel separately institutes a proceeding against such a third party, the Corporation Counsel shall send written notice to the policeman or fireman treated, setting forth the District's right to reimbursement and the policeman's or fireman's right, if he or she has not proceeded to trial in another proceeding or executed a settlement agreement, to intervene or join in the District's proceeding and to retain private counsel.

SOURCE: Final Rulemaking published at 36 DCR 798, 800 (January 27, 1989).

2004 DISTRICT SUBROGATED TO CLAIMS BY POLICEMAN OR FIREMAN AGAINST THIRD PARTY

2004.1 As soon as the District begins providing care to a policeman or fireman, it shall become subrogated to any right or claim that the policeman or fireman has against any third party for the care it has undertaken to provide or pay for.

2004.2 In addition to the legal subrogation effected under § 2004.1, the policeman or fireman shall execute a written assignment of that same right or claim, upon written request by the Corporation Counsel.

SOURCE: Final Rulemaking published at 36 DCR 798, 800-01 (January 27, 1989).

2005 POLICEMAN OR FIREMAN TO DELAY DISBURSING PROCEEDS OF RECOVERY FROM THIRD PARTY

2005.1 Within five (5) days of receiving any proceeds of a recovery or settlement against any third party for an injury sustained or a disease contracted, a policeman or fireman shall ascertain from the Corporation Counsel the amount of any lien on behalf of the District of Columbia, and pay the amount of any such lien.

2005.2 No policeman or fireman shall disburse any proceeds of a recovery or settlement against a third party for an injury sustained or disease contracted without first complying with § 2005.1 of this chapter.

SOURCE: Final Rulemaking published at 36 DCR 798, 801 (January 27, 1989).

2006 CORPORATION COUNSEL MAY COMPROMISE OR WAIVE CLAIM AGAINST POLICEMAN OR FIREMAN

2006.1 A policeman or fireman may request that the District compromise, settle, release, or waive its claims for care provided to him or her by making such a request, in writing, together with the reasons therefor to the Corporation Counsel.

2006.2 The Corporation Counsel may compromise, settle, release, or waive in whole or in part the District's claims under the following circumstances:

- (a) For the convenience of the District; or

(b) If the Corporation Counsel determines that collection would result in undue hardship upon the policeman or fireman to whom care has been provided.

SOURCE: Final Rulemaking published at 36 DCR 798, 801 (January 27, 1989).

2099 DEFINITIONS

2099.1 When used in this chapter, the following terms shall have the meanings ascribed:

Care - treatment, services, or benefits provided to an injured or diseased policeman or fireman.

Policeman or Fireman - any police officer employed by the Metropolitan Police Department or firefighter employed by the District of Columbia Fire Department or the personal representative or attorney of that police officer or firefighter.

SOURCE: Final Rulemaking published at 36 DCR 798, 801-02 (January 27, 1989).