

Analyst Lump Sum Settlement Review

Review settlement documents for technical requirements:

- Caption is complete and includes requirements outlined in JRP Rule 3H(2).
- Surety identified in caption is authorized, valid and the surety of record on the claim(s) settled. IC §72-301; IDAPA 17.01.01.301 and 17.01.01.302.
- Settlement resolves claim(s) for a single employer.
- Ensure the claims administrator identified has authority to settle the claim for surety. IDAPA 17.01.01.305.01(c) and IDAPA 17.01.01.302.01(c)i.
- Ensure all claims referenced are on record with the Commission and advise the parties if duplicate filings are found. IC §72-602
- Verify all required signatures are present on the LSS.
- Ensure Exhibit A – Defendants’ Settlement Summary is attached and complete per JRP Rule 18C.

Attorney fee review:

- Search for any attorney liens filed with Commission for subject claim. IDAPA 17.01.01.802.03
- Ensure Claimant’s Attorney Memorandum is included and complete per JRP Rule 18C.
- Ensure retainer agreement and Disclosure Statement are provided. IDAPA 17.01.01.802.05
- Review request for attorney fees and ensure that the efforts of the attorney were primarily or substantially responsible for securing the award from which attorney seeks to be paid. IDAPA 17.01.01.802

Detailed claim review:

- Review the complete settlement, medical records and supporting document for best interest. IC §72-404 and JRP Rule 18B
- Review for any potential medical subrogation or unpaid medical bills. IC §72-802; *Williams v. Blue Cross*
- Determine if Claimant is, or may soon be, eligible for Medicare. If medical benefits are not left open, ensure Medicare’s interests been considered. 42 U.S.C. § 1395y(b)(2) and § 1862(b)(2)(A)(ii) of the Social Security Act
 - Does the settlement meet the thresholds for Medicare’s approval; if so, has approval been obtained?
 - Is there a Medical Set Aside agreement that is fully funded; do attorney fees requested impact the MSA funds?
- Review math calculations to ensure accuracy of net to claimant amount.
- If a negligent third-party claim has been resolved, are repayment terms and any waiver of surety’s subrogation clearly outlined in LSS. IC §72-223
- Verify settlement is not assigned to any creditor except support of another person. IC §72-802
- If settlement involves ISIF, ensure the four required elements are present. *Wernecke v St. Maries Joint School*