

1. Determine if plaintiff is receiving government benefits or has needs that can be addressed by government benefits.
2. Determine if a special needs trust is appropriate to assist in qualifying for government benefits.
3. Determine if there are enforceable liens to be addressed prior to settlement and, if so, are the lien amounts correct and can the amounts be compromised:
 - a. Medicare
 - i. Procurement costs;
 - ii. Medical expenses related to injury only;
 - iii. Compromise.
 - b. Medicaid
 - i. Application of *Ahlborn*;
 - ii. Medical expenses related to injury only;
 - iii. Compromise.
 - c. ERISA
 - i. Does the governing plan provide a right to recovery?
 - ii. Does the governing plan identify a specific fund?
4. In a worker's compensation case, are future medical expenses included in the settlement? If so, should there be a Medicare Set Aside and in what amount?
5. In a third party liability case, are future medical expenses included in the settlement? If so, should there be a Medicare Set Aside and in what amount?
6. Will there be a lump sum settlement, structured settlement, or combination? If so, is a special needs trust appropriate? If so, make sure that payments are directed to the special needs trust. Who will serve as trustee?
7. Determine whether court approval of settlement and special needs trust is necessary (as in the case of mentally incapacitated individuals and minors).
8. Is a guardian or conservator appropriate?

For a free subscription to Hook Law Center's weekly newsletter, the *Hook Law Center News*, please visit Hook Law Center's website at www.hooklawcenter.com.



**This Special Report
is brought to you by**

HOOK LAW CENTER
Legal Power for Seniors

Tel: 757-399-7506
Fax: 757-397-1267

Locations:

Virginia Beach
295 Bendix Road, Suite 170
Virginia Beach, VA 23452

Suffolk
5806 Harbour View Blvd.
Suite 203
Suffolk, VA 23435

Get the Latest from Hook Law Center

On the Web: www.hooklawcenter.com

"Like" Us on Facebook

"Connect" with Us on LinkedIn

"Follow" Us on Twitter