

Chiropractor's Preparation for Deposition or Trial Testimony

"Liens"/Assignment of Benefits Forms

Chiropractors providing depositions on behalf of an injured plaintiff should be prepared for questioning about the doctor's "lien". Occasionally, the liability insurance company's attorney ("defense attorney") will establish a line of questioning which follows this format:

- Q Have your charges for treatment been paid by your patient or are they outstanding?
- A Some are outstanding.
- Q Do you have an arrangement or doctor's lien with the patient that you will be paid in the event of any verdict or settlement?
- A Yes, we typically send out a written lien.
- Q So you have somewhat of a financial interest with respect to your testimony today or outcome of this case?

The answer which the chiropractor provides to this last question can be critical to the fair treatment of your patient in the pending litigation. The chiropractor should avoid any answer which implies that the doctor has some type of direct or indirect financial interest in the outcome of the case. The doctor should be prepared to emphasize several points:

1. The doctor's only interest is the patient's well being.
2. Written liens are created in all cases, regardless of whether there is any litigation.
3. Written liens are commonly used by all health care professionals, including medical doctors and doctors who work for insurance companies.
4. The purpose of the medical lien is to notify parties that there are outstanding bills for a patient's treatment which should be paid.

If a doctor is so inclined and believes that the "opportunity is ripe", the chiropractor may want to indicate that he / she is surprised that the outstanding bill has not yet been paid by the defense attorneys client (insurance company) since it should have been paid if that insurance company was looking out for the best interest of a truly injured party. Obviously, this last point is "optional", but often goes to the heart of the underlying problem which many doctors experience in receiving prompt payment for the valuable services rendered to a patient.

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