



# **ERISA and Health Insurance Subrogation - In All 50 States - 3rd Edition**

*Gary Wickert*

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# ERISA and Health Insurance Subrogation - In All 50 States - 3rd Edition

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## **ERISA and Health Insurance Subrogation - In All 50 States - 3rd Edition** Gary Wickert

What's New in the 3rd Edition: The Third Edition of ERISA And Health Insurance Subrogation In All 50 States contains a great deal of new information, statutory amendments and case decisions. It reflects the changing nature of health insurance subrogation, and emphasizes the areas which have traditionally been weak spots in the subrogation professional's arsenal. The Third Edition includes a voluminous update on and fortification of the various states' collateral source rules and statutes, including those which serve as anti-subrogation tools. Additional information on the various states' common fund doctrines has also been added. For the twelve states which have some form of automobile no-fault laws, a general overview of the laws and its interface with health insurance subrogation has been added, giving the practitioner an advantage in those states where confusing no-fault laws are routinely and wrongly thrown in the path of subrogated plans by trial lawyers. The Third Edition also contains enhanced descriptions of what constitutes a plan, including legal material and background information on the effect of wrap documents and their role in subrogation. For ERISA-covered plans, the effect of the common fund doctrine and made whole doctrine has been updated thoroughly for each federal appellate circuit. Also, the concepts of complete preemption and conflict preemption, and their role in subrogating health plans, has been added. Finally, the import and treatment of the Ahlborn decision in the Medicaid subrogation arena has been thoroughly covered. Overall, the Third Edition is a much more potent subrogation tool than its predecessor. ERISA And Health Insurance Subrogation In All 50 States remains the industry's bible on health insurance subrogation. About the Book: ERISA and Health Insurance Subrogation is the most complete and thorough treatise covering the complex subject of ERISA and health insurance subrogation ever published. Unlike most areas of insurance litigation/subrogation, health insurance subrogation requires the subrogation professional to be familiar not only with applicable state law and the many vagaries and nuances of health insurance subrogation within each state, but also the treatment of health insurance subrogation through ERISA, as applied by Federal District Courts, Federal Appellate Courts, and the United States Supreme Court. Familiarity with the general trends within each of the 12 Federal Circuits is also cited. This book is intended to introduce the health insurance claims handler, in-house counsel and subrogation professional to the complex and challenging world of health insurance subrogation in today's insurance subrogation marketplace.

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