

LIENS FOR SERVICES RELATED TO TRAUMATIC INJURY

Does a physician have a lien for services to persons with traumatic injury?

Yes. Any physician who renders services to a patient due to a traumatic injury may place a lien upon any claim, right of action, and/or money (except a claim, right of action or money accruing under Washington's Workers' Compensation Act) which the patient is entitled to receive from a person or the insurer of a person who tortiously caused the traumatic injury.¹

What is the value of the lien?

The lien is for the value of the services provided, together with those costs and reasonable attorney's fees incurred in enforcing the lien which the court may allow.²

The lien, however, shall not exceed 25% of the amount of any award, verdict, report, decision, judgment, or settlement the patient receives from the person or insurer of the person who tortiously caused the traumatic injury.³ The lien does not apply to any claim, right of action, or money recovered under the workers' compensation law.

Washington law does not preclude a physician from contracting with the patient for medical services, and does not restrict the physician from collecting the remaining balance of the value of his or her services in the event a lien was filed.⁴ If the physician chooses not to file a lien, he or she is entitled to collect the entire value of services provided from the patient directly, before or after the patient has received the settlement or litigation proceeds.

How is the lien claimed?

In order to claim and be entitled to the lien, the physician must file a notice with the county auditor of the county in which services were provided within 20 days after the date of injury or receipt of services, or, if settlement has not been reached and payment has not been made to the injured patient, at any time prior to settlement and payment to the patient.⁵ The notice must be verified under oath by the person claiming the lien and must state:⁶

- The name and address of the person claiming the lien.
- The services provided.
- The identity of the parties.

¹ RCW 60.44.010.

² *Id.*

³ *Id.*

⁴ RCW 60.44.040.

⁵ RCW 60.44.020.

⁶ *Id.*

- The circumstances of the injury.
- The name and address of the patient.
- The time and place where the alleged fault or negligence of the tortfeasor occurred.
- The nature of the injury.
- The name and address of the tortfeasor, if known.

How is the lien enforced?

The lien may be enforced by a lawsuit brought within one year after the lien is filed.⁷

⁷ RCW 60.44.060.