

Re: The attorney has settled and asked us to take less than our billed amount

Today's date

attorney
address
city, state, zip

Re: Mr. Patient
Claim #: P
Date of injury: September 28, 1996

Dear Mr. Attorney,

Thank your for informing us of the settlement in this case. We do still have an outstanding balance due of \$2,385.

At the time we were notified of your evolvment in this case we forwarded to you a copy of the Doctor-Patient Irrevocable Assignment, Agreement, Lien and Power of Attorney. Another copy is enclosed herein if you do not still have it in your records. Let me point out to you paragraphs numbered 5, 7, 9, 13, 14 and 17.

Legal precedence in a series of cases, namely:

Victor R. Miller v. Jack L. Rau

City and County of San Francisco v. Robert J. Sweet

Kaiser Foundation Health Plan, Inc. v. Heroico M. Aguiluz

have established that medical liens do not have to be acknowledged by the attorney so long as it is provided to the attorney by the health care provider, that the attorney does have to honor such liens even if he/she does not acknowledged it, and failure to do so, even when releasing the funds to the patient, does not relieve the attorney from liability for payment even after funds have been released.

It is not our practice to routinely treat and bill for treatment other that what can be justified as medically necessary. Therefore, we do not pad our billing with amounts which we normally consider write offs. Since the settlement is based on the medical billing established by our office for treatment medically necessary for this patient to return to pre-injury status we feel justified in demanding the entire amount due for services rendered which are still unpaid.

However, we know that most attorneys like to provide their clients with some funds for time and trouble plus possible future medical care which may be necessary. This patient has been a good patient and cooperative in his care. For this reason we will agree to accept a reduced amount of \$2,000 out of the settlement received as payment in full for the balance of his bill. We do require that you provide a financial statement delineating disbursement of all funds in this case with the funds presented to us. Without that we will demand payment in full.

Sincerely,

Kenneth C. Rich, D.C.

Cc: the patient