

NDCSWINST 5890.1A  
00CMP  
08 August 1995

NAVDENCEN SOUTHWEST INSTRUCTION 5890.1B

Subj: THIRD PARTY LIABILITY PROGRAM

Ref: (a) JAGMAN, CHAPTER VIII  
(b) NAVMEDCOMINST 6320.3

Encl: (1) NAVJAG 5890/12 Hospital and Medical Care Third Party Liability Case w/Sample  
(2) Privacy Act Statement  
(3) Criteria for Forwarding Medical Care Recovery Act Cases to the Naval Legal Service Office, San Diego

1. Purpose. To provide procedures for reporting Third Party Liability claims for Naval Dental Center Southwest.
2. Cancellation. NAVDENCLINICINST 5890.1.
3. Background. In any case where a Navy dental treatment facility furnishes dental care to a beneficiary for a disease or injury "caused" by a third party, a claim in favor of the United States may be established through the contractual obligation of the third party or an insurance company with whom that third party is insured. It is the responsibility of the dental treatment facility to report the rendering of care and value of that care in accordance with references (a) and (b). Compliance with these directives can result in significant reimbursement for health care rendered under third party liability circumstances. Command procedures must ensure that all such cases are promptly and adequately identified and reported to the nearest Naval Legal Service Office (NLSO).
4. Definitions. The system for processing Medical Care Recovery Act (MCRA) claims at a dental activity consists of two basic functions; identification and reporting. Detailed instructions concerning these responsibilities are contained in reference (a), and are summarized in the following paragraphs:
  - a. Identification. Patients should normally be identified and processed as potential third party claims when it appears that a third party is responsible for the patient's disease or injury. All dental staff personnel will utilize enclosure (3) to assist them in determining whether this potential exists.
  - b. Reporting. In accordance with references (a) and (b), NAVJAG Form 5890/12, Hospital and Medical Care Third Party Liability Case, enclosure (1), shall be used by Naval Dental Center Southwest personnel to report the dental care furnished to a patient when a third party may be legally liable for causing the injury or disease treated, or when a Government claim is possible

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under Workmen's Compensation, no fault insurance, or government insurance, e.g., in most claims of traumatic injury. Block 4 of NAVJAG Form 5890/12 requires an appended statement of the patient or an accident report, if available. Prior to requesting such a statement from a patient, the person preparing NAVJAG 5890/12 shall first provide the individual a privacy act statement (in duplicate) containing the advice prescribed in enclosure (2). The original is to be signed by the patient and submitted with NAVJAG 5890/12, and the copy retained by the patient. Reports are to be forwarded utilizing the Criteria Sheet, enclosure (3).

5. Action. To ensure timely and appropriate reporting of possible third party liability, the following actions are required:

a. All Branch Directors and Department Heads will:

(1) Ensure that an Accident and Injury Report and NAVJAG 5890/12, sections (1) through (7), be completed on any case which may involve third party liability, regardless of the status of the patient, i.e., active duty, dependent, retired or civilian.

(2) Review all Accident and Injury Reports, SF603's and NAVJAG 5890/12's with possible third party liability, for completeness and appropriateness.

(3) Ensure all staff members are aware of, and familiar with, the procedures for identifying and following through with a claim.

(4) Log and forward copies of all appropriate Accident and Injury Reports, SF603 and NAVJAG 5890/12's with possible third party liability to the Command Evaluation Program Coordinator. All logs will have entries for Date of Report, Name (of patient), SSN, Command, Comments, and Date forwarded to the Command Evaluation Program Coordinator.

b. Command Evaluation Program Coordinator will:

(1) Review all Accident and Injury Reports, SF603's and NAVJAG 5890/12's with possible third party liability for completeness and appropriateness.

(2) Forward copies of all appropriate Accident and Injury Reports, SF603's and NAVJAG 5890/12's, with possible third party liability to Naval Legal Service Office (NLSO), Medical Claims Section, Naval Station.

(3) Include the Third Party Liability Program in the Internal Review Program for routine review.

R. C. MELENDEZ

Distribution:  
List I, Case 1, 2

CRITERIA FOR FORWARDING MEDICAL CARE RECOVERY ACT CASES TO THE  
NAVAL LEGAL SERVICE OFFICE, SAN DIEGO

Any case in which a civil lawsuit is likely, such as:

- A. Someone has assaulted or otherwise intentionally injured the patient.
- B. “Slip and Fall” accidents, especially at someone else’s home, in a store, or any commercial establishment.
- C. Injuries caused by automobile or motorcycle accidents.
- D. Injuries caused by products. Examples could be a foot injured by a lawnmower, an exploding Coke bottle, spoiled food, unsafe medicines and drugs. When in doubt, call the servicing NLDO.
- E. Injuries caused by services. Examples include a hairdresser who burns a client’s scalp by using the wrong chemicals, a delivery person who drops a package on your foot or head, etc.
- F. Any injury caused by a government unit such as the police, schools, street maintenance crews, etc.
- G. Any accident on a common carrier such as trains, planes, busses, or taxis.
- H. Any medical or dental malpractice (non-federal practitioner.)
- I. Negligent injury to the patient in general, especially when the patient indicates he or she will sue.
- J. Any similar situations when **you** might want to sue.

