

January 26, 2017  
Shirley J. MacLore  
Dy Clerk

STATE FARM FIRE AND CASUALTY  
COMPANY

DOCKET NO. 16-109 DIV: "B"

VERSUS

6<sup>TH</sup> JUDICIAL DISTRICT COURT

LORI SPENCE AS COURT APPOINTED  
TUTRIX OF HER MINOR SON JOHN  
SPENCE, ST. FRANCIS MEDICAL CENTER,  
ET AL.

PARISH OF MADISON

STATE OF LOUISIANA

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PETITION OF INTERVENTION

**NOW INTO COURT**, through undersigned counsel, comes the State of Louisiana, Department of Health/Medicaid Program ("LDH" or "Department"), who respectfully represents:

1.

On or about September 20, 2015, an automobile accident occurred involving a car driven by Greg Stevens. James Spence was a guest passenger in the vehicle

2.

According to a Petition for Concursus filed by State Farm Fire and Casualty Company (State Farm), an automobile insurance liability policy issued by State Farm for Greg Stevens automobile was in full force and effect at the time of the accident.

3.

When State Farm filed the Petition for Concursus, it deposited into the Court's Registry the limits of the policy – \$25,000.00.

4.

Named as defendants in the Petition for Concursus were: Lori Spence, as Court appointed Tutrix of her minor child , John Spence; St. Francis Medical Center; Metro Ambulance Service Rural; Air Evac EMS, Inc.; Northeast Louisiana Ambulance Service, LLC; Radiology Associates APC; and University Health Shreveport.

5.

LDH should have been named as a Defendant insofar as LDH asserts a claim for reimbursement, pursuant to LSA-R.S. 46:446, of **\$10,206.00** in accident-related medical expenses paid by the Medicaid Program on behalf of James Spence, which charges were affirmed by **Joyce Kelly**, a Medicaid Recovery Specialist, in **Exhibit 1**, and which charges were

itemized in **Exhibit 2**. Further, LDH reserves its right to amend its Petition of Intervention should additional payments be made.

6.

As a condition of receiving Medicaid, the recipient, to the extent of the charges paid by Medicaid, assigned his entire recovery to LDH [Title XIX (42 U.S.C.A 1396, et seq) of the Social Security Act and LSA-R.S. 46:153.

**WHEREFORE**, intervenor prays:

- I. For leave of court to file this petition of intervention;

Respectfully submitted,  
STATE OF LOUISIANA  
DEPARTMENT OF HEALTH



By: Ryan Hart, Bar Roll No. 35810  
Bureau of Legal Services  
Post Office Box 3836  
Baton Rouge, LA 70821-3836  
225 (o) 342-4416--- (fax) 342-3805

CERTIFICATE OF SERVICE

I hereby certify a copy of the foregoing "Petition for Intervention" has this day been served on **Mr. K. Douglas Wheeler**, Law Office of K. Douglas Wheeler, P.O. Box 6073, Monroe LA, 71211, Counsel for State Farm; **Mr. George Snellings**, Nelson, Zentner, Sartor & Snellings, LLC, 1507 Royal Ave , Monroe LA, 71201-5609, Counsel for St. Francis Medical Center; **Mr. Robert L. Bussey**, Bussey & Lauve, LLC, 3112 Jackson St. Alexandria LA, 71301, Counsel for Air Evac EMS, Inc.; and **Lori Spence**, 1195 Hwy 869, Winnsboro, LA 71295, o/b/o minor John Spence, by placing same in the United States mail postage prepaid.

  
Ryan Hart

January 26, 2017  
Shirley J. Amador  
Clyde Clark

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AFFIDAVIT OF CORRECTNESS OF CLAIM

STATE OF LOUISIANA  
PARISH OF EAST BATON ROUGE

BEFORE ME, personally came and appeared **JOYCE KELLY**, who, being duly sworn,  
said:

She is a Recovery Specialist with the State of Louisiana, Department of Health and  
Hospitals.

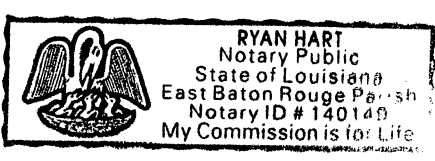
The itemized statement of the monetary claim of the State of Louisiana, Department  
of Health /Medicaid Program attached hereto as **LDH-Exhibit 2** in the total sum of  
\$**10,206.00** is true and correct, both in substance and amount, to the best of affiant's  
knowledge, information and belief.

**LDH-Exhibit 2** represents assistance payments and/or medical expenses which the  
Department of Health/Medicaid Program paid on behalf of **James Spence** for injury, disease  
or illness suffered by her as a result of the accident or incident made the basis of the  
concurus filed in these proceedings.

State of Louisiana  
Department of Health  
By: Joyce Kelly  
Recovery Specialist

Sworn to and subscribed, before me, this 24<sup>th</sup> day of January 2017, Baton Rouge,  
Louisiana.

Ryan Hart  
Ryan Hart, Notary Public ID # (140149), Bar Roll # 35810



A	B	C	D	E	F	G	H	I	J	K
Claim Type ICN/Former	Servicing Prov	Billing Prov	D / S	Date From	Date Thru	Activity Date	Billed Amount	Medicaid Paid	Details	
1 07 - EMT (Transportati on) 6258108486	56078 - NORTHEAST LOUISIANA AMBULANCE	56078	1 / 1	09/20/2015	09/20/2015	09/27/2016	750	320.53	Diag: 82110 FX FEMUR NOS-OPEN Second Diag: 78002 TRANSIENT ALTERATION OF AWARENESS Proc: A0427 ALS EMERGENCY TRANSPORT EOB / Deny: 650	Selected
2 07 - EMT (Transportati on) 6258108486	56078 - NORTHEAST LOUISIANA AMBULANCE	56078	1 / 1	09/20/2015	09/20/2015	09/27/2016	900	298.8	Diag: 82110 FX FEMUR NOS-OPEN Second Diag: 78002 TRANSIENT ALTERATION OF AWARENESS Proc: A0425 GROUND MILEAGE EOB / Deny: 650	Selected
3 07 - EMT (Transportati on) 6258108486	56078 - NORTHEAST LOUISIANA AMBULANCE	56078	1 / 1	09/20/2015	09/20/2015	09/27/2016	100	55.16	Diag: 82110 FX FEMUR NOS-OPEN Second Diag: 78002 TRANSIENT ALTERATION OF AWARENESS Proc: A0422 AMBULANCE 02 LIFE SUSTAINING EOB / Deny: 650	Selected
4 07 - EMT (Transportati on) 6258108486	56078 - NORTHEAST LOUISIANA AMBULANCE	56078	1 / 1	09/20/2015	09/20/2015	09/27/2016	50	16.15	Diag: 82110 FX FEMUR NOS-OPEN Second Diag: 78002 TRANSIENT ALTERATION OF AWARENESS Proc: A0398 ALS ROUTINE DISPOSABLE SUPPLS EOB / Deny: 650	Selected
5 01 - Inpatient Hospital 6291100346	73771 - UNIVERSITY HEALTH SHREVEPORT	73771	1 / 1	09/20/2015	09/28/2015	11/01/2016	79632.79	9515.36	Diag: 82021 INTERTROCHANTERIC FX-CL Second Diag: 85146 CEREBELL CONTUS-COMA NOS Proc:	Selected
6							Total	10206		
7										
8										
9										
10										

LDH-EXHIBIT-2

January 26, 2017  
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**ORDER**

Considering the allegations and prayer of the foregoing petition of intervention,  
IT IS ORDERED that the Louisiana Department of Health be granted leave to file this petition  
as prayed for and according to law.

Signed in St. Joseph, Louisiana, on this 31<sup>st</sup> day of January, 2017.

John W. Coyle  
District Judge