

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 108

S. P. 71

In Senate, January 7, 1981

Submitted by the Department of Human Services pursuant to Joint Rule 24.

Referred to the Committee on Health and Institutional Services. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary of the Senate

Presented by Senator Clark of Cumberland.

Cosponsors: Senators Wood of York, Kerry of York, Gill of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Concerning the Assignment of Rights of Recovery.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 22 MRSA § 14, sub-§ 2, as amended by PL 1979, c. 610, § 1, is repealed.

Sec. 2. 22 MRSA § 14, sub-§ 2-A, is enacted to read:

2-A. Assignment of rights of recovery. The receipt of benefits under the Medicaid program administered by the department pursuant to the Federal Social Security Act, Title XIX, shall constitute an assignment by the recipient to the department of the right to recover from third parties for the medical cost of injury, disease, disability or similar occurrence for which the recipient receives medical benefits. The department's assigned right to recover shall be limited to the amount of medical benefits received by the recipient.

The recipient shall also be deemed to have appointed the commissioner as his attorney in fact to perform the specific act of submitting claims to insurance carriers or endorsing over the department any and all drafts, checks, money orders or any other negotiable instruments connected with the payment of third party medical claims.

STATEMENT OF FACT

The purpose of this bill will make the assignment of recovery rights a condition of eligibility for benefits under the Maine Medicaid Program. The current law states the commissioner may seek recovery. Under this proposal, application for benefits automatically constitutes an assignment of the rights of recovery.