

# MAINE STATE LEGISLATURE

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L.D. 2022

(Filing No. S-325)

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STATE OF MAINE  
SENATE  
113TH LEGISLATURE  
SECOND REGULAR SESSION

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COMMITTEE AMENDMENT " A " to S.P. 759, L.D. 2022,  
Bill, "AN ACT to Enforce 3rd-Party Liability  
Reimbursement for Medicaid Recipients as Required by  
Title XIX of the Social Security Act."

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Amend the bill by striking out everything after  
the amending clause and inserting in its place the  
following:

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2-D. Notification of claim. A Medicaid  
recipient, or any attorney representing a Medicaid  
recipient, who makes a claim to recover the medical  
cost of injury, disease, disability or similar  
occurrence for which the party received medical  
benefits under the Medicaid program, pursuant to the  
United States Social Security Act, Title XIX, shall  
advise the department in writing with information as  
required by the department of the existence of the  
claim.

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2-E. Notification of pleading. In any action to  
recover the medical cost of injury, disease,  
disability or similar occurrence for which the party  
received medical benefits under the Medicaid program,  
the party bringing the action shall notify the  
department of that action at least 10 days prior to  
filing the pleadings. Department records indicating  
medical benefits paid by the department on behalf of  
the recipient shall be prima facie evidence of the  
medical expenses incurred by the recipient for the  
related medical services.

1           2-F. Disbursement. No disbursement of any award,  
2 judgment or settlement may be made to a recipient  
3 without the recipient or the recipient's attorney  
4 first providing at least 10 days' written notice to  
5 the department of the award, judgment or settlement or  
6 obtaining from the department a release of any  
7 obligation owed to it for medical benefits provided to  
8 the recipient.

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FISCAL NOTE

10           This bill enhances the department's ability to  
11 recover reimbursement for medical costs from 3rd-party  
12 payors. This bill will result in an increase in  
13 dedicated revenue; however, the future revenue gain  
14 cannot be determined at this time.'

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STATEMENT OF FACT

16           This amendment makes the following changes to the  
17 bill.

18           1. Paragraph 2-D (notification of claim) is  
19 amended to include notice of all relevant claims, not  
20 just those against a 3rd party and to specify that the  
21 department is to determine what information is  
22 necessary in the notice of the claim.

23           2. Paragraph 2-E (notification of pleading) is  
24 amended to delete the requirement that a pleading be  
25 filed with the department and provides for  
26 notification of the pleading. In addition, it  
27 declares that the medical records of the department  
28 concerning payments made by the department are to be  
29 considered prima facie evidence of medical expenses.

30           3. Paragraph 2-F (disbursement of money) is  
31 amended to waive the 10-day written notice prior to  
32 distribution of the money if the department has signed  
33 a release of any obligation on the claim.

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4. The amendment adds a fiscal note.

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