

MAINE STATE LEGISLATURE

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L.D. 867

(Filing No. S-103)

STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 330, L.D. 867, Bill, "An Act to Facilitate the Disclosure of Information in Medical Support Recoupment and Child Support Cases"

Amend the bill by striking everything after the enacting clause and before the statement of fact and inserting in its place the following:

'22 MRSA §3755-A is enacted to read:

§3755-A. Disclosure of information in medical support recoupment and child support cases

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Assets" means any interest in real or personal property.

B. "Dependent child" has the same meaning as in Title 19, section 493.

C. "Earnings" has the same meaning as in Title 19, section 493.

D. "Medicaid recipient" means an individual authorized by the department to receive services under the provisions of the United States Social Security Act, Title XIX and successors to it.

E. "Person" has the same meaning as in Title 19, section 493.

F. "Responsible parent" has the same meaning as in Title 19, section 493.

COMMITTEE AMENDMENT "A " to S.P. 330, L.D. 867

1 2. Request for information concerning responsible parents.
3 Except as provided in subsection 5, and notwithstanding any other
5 law or any claim or assertion of confidentiality, the department
7 may request of any person information relating to the following
9 matters concerning a responsible parent or alleged responsible
11 parent:

- 13 A. Complete name;
- 15 B. Social security number;
- 17 C. Date and place of birth;
- 19 D. Present and past employment status;
- 21 E. Earnings;
- 23 F. Current or last known address;
- 25 G. Assets;
- 27 H. Availability and description of present or previous
29 health insurance coverage for a dependent child; and
- 31 I. Health insurance benefits paid or applied for under a
33 policy of health insurance for a dependent child.

35 3. Request for information concerning present and former
37 Medicaid recipients. Notwithstanding any other law or any claim
39 or assertion of confidentiality, the department may request of
41 any person information relating to the following matters
43 concerning a present or former Medicaid recipient:

- 45 A. Availability and description of health insurance
47 coverage for a present or former Medicaid recipient; and
- 49 B. Health insurance benefits paid or applied for under a
51 policy of health insurance for a present or former Medicaid
53 recipient.

55 4. Demand for information. If a response to a request
57 under subsection 2 or 3 is not received by the department within
59 2 weeks of its mailing by regular mail, the department may serve
61 a demand upon the person to whom the request was directed for the
63 information sought. The demand may be served by certified mail,
65 return receipt requested, or by service in hand as specified in
67 the Maine Rules of Civil Procedure, except that a demand may be
69 served by any authorized representative of the commissioner.

71 5. Limitation. If an alleged responsible parent is a
73 putative father of a child conceived and born out of wedlock, a
75 request or demand shall be limited to information relating to the

1 following matters concerning the alleged responsible parent:

3 A. Complete name:

5 B. Date and place of birth:

7 C. Present and past employment status:

9 D. Social security number; and

11 E. Current or last known address.

13 6. Immunity from liability. Any person may disclose to the
15 department any of the information described in subsection 2 or 3
17 that is sought in a request or demand by the department without
incurring any liability to any other person because of the
disclosure.

19 7. Affirmation of responses. The department may require
21 that a response to a request or demand be affirmed under the
penalties for unsworn falsification under Title 17-A, section 453.

23 8. Facilitation of responses. A request or demand shall
25 contain or be accompanied by a business-reply or prepaid
self-addressed envelope.

27 9. Penalty for failure to respond. Failure to respond to a
29 demand for information within 10 days following the date of
service of the demand is a civil violation for which a forfeiture
not to exceed \$1,000 may be adjudged.'

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STATEMENT OF FACT

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37 This amendment adds to the provisions of the original bill
authority to demand information about Medicaid recipients.

Reported by Senator Gauvreau for the Committee on Human
Resources. Reproduced and Distributed Pursuant to Senate
Rule 12.

(5/9/89)

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