

Proposal for Legislation -- 2009

Medicaid Third-Party Liability

PROPOSER'S NAME/TITLE: Joan Miles, director, DPHHS; Jeff Buska, Administrator Quality Assurance Division

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1. What is the problem or issue?

There is a need to "clean up" certain sections of the Third Party Liability (TPL) provisions in Medicaid to eliminate inconsistencies and strengthen the enforcement of the TPL provisions.

2. What do you want the legislation to do?

It is our desire to eliminate inconsistencies in current code and make other minor changes to strengthen the regulatory authority of the TPL unit and increase recoveries. The specific amounts are not determinable at this point in time. Additionally, these changes should strengthen the authority of DPHHS to carry out its responsibilities. Amendments to current medicaid law should decrease legal challenges and, therefore, reduce the cost of administration.

3. If possible, please list the MCA (Montana Code Annotated) sections that would need to be amended.

1) Modify 53-6-167(1)(a) by changing the word "and" at the end of the sentence to "or",
2) Delete 53-6-167(3)(b), 3) Modify 53-6-180 to be worded in a similar manner as 53-6-167 to improve consistency of administration of the hardship provisions, 4) Eliminate an inconsistency between 53-6-1711)(b)(iii) and 53-6-178(2), and 5) Remove "other than a financial institution" from 53-6-168.

4. If the proposed change requires additional funding, what funding sources do you propose?

No additional funding is required.

5. Has similar legislation been requested in the past, been introduced in another state, or provided as a model act? If so, please provide a citation, reference, or point of contact.

Similar legislation has not been introduced before. There is no model act.