

1 **State of Arkansas**
2 **78th General Assembly**
3 **First Extraordinary Session, 1992**
4 **By: Senator Gordon**

A Bill ACT 54 OF 1992

Call Item 31
SENATE BILL 22

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7 **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED 20-77-301 TO
9 ALLOW THE DEPARTMENT OF HUMAN SERVICES TO RECOVER THE COST
10 OF MEDICAL CARE PROVIDED TO INDIGENTS FROM THIRD PERSONS;
11 AND FOR OTHER PURPOSES."

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13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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15 SECTION 1. Arkansas Code Annotated 20-77-301 is amended to read as
16 follows:

17 "20-77-301. Action by Department of Human Services.

18 (a) When medical assistance benefits are provided or will be provided
19 to a medical assistance recipient because of injury, disease, or disability
20 for which another person is liable, the appropriate division of the Department
21 of Human Services shall have a right to recover from the person the cost of
22 benefits so provided. The department may, to enforce the right, institute and
23 prosecute legal proceedings against the third person who may be liable.

24 (b) No action taken on behalf of the division pursuant to this section
25 or any judgment rendered in the action shall be a bar to any action upon the
26 claim or cause of action of the recipient, his guardian, personal
27 representative, estate, or survivors against the third person who may be
28 liable for the injury. Nor shall any action operate to deny to the recipient
29 the recovery for that portion of any damages not covered hereunder.

30 (c) The Department of Human Services shall likewise have the authority
31 to recover the cost of benefits for medical care provided to indigent persons
32 from such third persons, whether or not the care was provided pursuant to the
33 Arkansas Health Care Access Program, another program administered by the
34 Department of Human Services, or a program administered through another
35 department or agency of state government. The Department of Human Services
36 shall remit to other departments or agencies of state government any amounts

1 recovered, less its pro rata share and costs of collection, for care provided
2 by them."

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4 SECTION 2. All provisions of this act of a general and permanent nature
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
6 Revision Commission shall incorporate the same in the Code.

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8 SECTION 3. If any provision of this act or the application thereof to
9 any person or circumstance is held invalid, such invalidity shall not affect
10 other provisions or applications of the act which can be given effect without
11 the invalid provision or application, and to this end the provisions of this
12 act are declared to be severable.

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14 SECTION 4. All laws and parts of laws in conflict with this act are
15 hereby repealed.

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18 APPROVED: 3-17-92

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