

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H3/4/11 S3/17/11

A Bill

HOUSE BILL 1765

5 By: Representative Wren
6

For An Act To Be Entitled

8 AN ACT TO ESTABLISH THE PRIORITY OF THE MEDICAID
9 PROGRAM TO RECEIVE REIMBURSEMENT FROM THIRD PARTIES
10 FOR CERTAIN MEDICAID COSTS; AND FOR OTHER PURPOSES.
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Subtitle

14 AN ACT TO ESTABLISH THE PRIORITY OF THE
15 MEDICAID PROGRAM TO RECEIVE REIMBURSEMENT
16 FROM THIRD PARTIES FOR CERTAIN MEDICAID
17 COSTS.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code Title 20, Chapter 77, Subchapter 3 is amended
23 to add an additional section to read as follows:

24 20-77-314. Distribution of proceeds from a third-party settlement,
25 judgment, award, or from other third-party payment.

26 (a) The Department of Human Services is entitled to reimbursement for
27 past medical assistance payments from that portion of a third-party
28 settlement, judgment, award or from any other third-party payment that
29 compensates for the medical expenses.

30 (b) The department is entitled to receive the full amount of its
31 medical assistance claim under this subchapter unless the portion of the
32 third-party settlement, judgment, award, or other third-party payment that
33 compensates for the medical expenses is less than the full amount of the
34 department's medical assistance claim.

35 (c) The department's claim for medical assistance payments under this
36 subchapter has priority over any claim by a medical care provider.



1 (d) The department's rights under this subchapter are not extinguished
2 by any right possessed, asserted, or not asserted by a medical assistance
3 recipient or other person.

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