

1982

Session Law 82-159

Florida Senate & House of Representatives

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LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Year 1982	Session Law No. 82-159	LOF Cite 1982, I, 1, 494-5	#pp
Prime Bill# SB 583	Sponsor McIntyre	Comp./Sim. Bills 11-89	
JIMC Hist. Leg. Cites	Senate pp.#s 191	House pp.#s 306	#pp 2
Committee of Ref.	Senate HRS	House HRS	Previous versions?

Committee Records

H/S	Committee	Year	Record Series: Folder Title, etc.	Location Cite	#pp
S	HRS	1982	Bill files: SB 583	18/1102	5
H	HRS	1982	Bill files: H 1089 (P. 1)	19/1065	1

Senate/House Journals

Page	?	Date	#pp	Page	?	Date	#pp

Tape Recordings

H/S	Floor	Committee/subcommittee	Date	# Tapes	Location Cite

Other Documentation

Record series title, folder title, etc.	Location Cite	#pp

1 2. The recipient, if he has received third-party 1.23
2 payment for medical services provided to him; ~~or~~ 1.24

3 3. The provider of the recipient's medical services if 1.25
4 third-party payment for medical services has been recovered by 1.26
5 the provider.

6 (c) A public assistance applicant or recipient who 1.27
7 receives medical care for which the department may be
8 obligated to pay shall be deemed to have made assignment to 1.28
9 the department of any right such person has to any payments
10 for such medical care from a third party, up to the amount of 1.29
11 medical assistance paid by the department. 1.30

12 (d) A public assistance applicant or recipient who 1.1us
13 receives medical care for which the department may be 1.31
14 obligated to pay shall be deemed to have provided the
15 department the authority to release medical information for 1.32
16 such medical care for the sole purpose of obtaining 1.33
17 reimbursement for medical assistance payments directly from
18 third parties. 1.34

19 (e) The department may, to enforce such subrogation 1.1us
20 rights under this section, institute, intervene, or join any 1.35
21 legal proceedings against any third parties against whom 1.36
22 recovery rights arise. No action taken by the department 1.38
23 shall operate to deny the recipient's recovery for that
24 portion of his damages not subrogated to the department and no 1.39
25 action of the recipient shall prejudice the department's 1.40
26 subrogation rights.

27 (f) When the department provides, pays for, or becomes 1.41
28 liable for medical care, it shall have a lien for the amount
29 of medical assistance paid upon any and all causes of action 1.42
30 which accrue to the person to whom care was furnished, or to
31 his legal representatives, as a result of sickness, injury, 1.43

19/1065

By Committee on Health & Rehabilitative Services

This public document was promulgated at an average cost of 1.3 cents per single page for the information of members of the Legislature and the public.

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A bill to be entitled

An act relating to medical assistance; amending s. 409.266(3), Florida Statutes; providing for recovery of payments; providing for assignment of financial rights; providing for release of medical information; providing for enforcement of subrogation rights; providing for imposition of liens; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (3) of section 409.266, Florida Statutes, is amended to read:

409.266 Medical assistance.--

(3)(a) Third-party coverage for medical services shall be primary coverage and shall be exhausted before any payment authorized under this section shall be made on the behalf of any person eligible for services under this section.

(b) A public assistance applicant or recipient shall inform the department of any rights he has to third-party payments for medical services. The department shall automatically be subrogated to any such rights the recipient has to third-party payments and shall recover to the fullest extent possible the amount of all medical assistance payments made on the behalf of the recipient. Recovery of such payments shall be collected directly from:

- 1. Any third party liable to make a medical benefit payment to the provider of the recipient's medical services or to the recipient under the terms of any contract, settlement, or award; or

1:hbs

HOUSE SUMMARY

1:hbs

Amends provisions of law relating to medical assistance provided under Title XIX of the Social Security Act (Medicaid), to:

(1) Provide that payments due pursuant to third-party coverage for medical services (which coverage must be exhausted before any Medicaid payments may be made) may be collected directly from the provider of medical services if such third-party payment has been recovered by him.

(2) Provide that a public assistance applicant who receives medical care for which the Department of Health and Rehabilitative Services may be obligated to pay shall be deemed to have assigned his rights to the department for any third-party payments for such care, up to the amount of assistance paid, and to have authorized the department to release medical information necessary to obtain reimbursement for such assistance.

(3) Authorize the department to enforce such subrogation rights, within specified limits.

(4) Declare the amount of medical assistance paid for or provided by the department, or for which the department may become liable, to be a lien upon any and all causes of action which accrue to the person to whom care was furnished as a result of the liability of a third party, subject to certain restrictions.

1	<u>disease, disability, or death, due to the liability of a third</u>	1.44
2	<u>party which necessitated the medical care. The department</u>	1.45
3	<u>shall have 1 year from the date when the last item of medical</u>	
4	<u>care relative to a specific accident or spell of illness was</u>	1.46
5	<u>paid in which to file its verified lien statement, and the</u>	1.47
6	<u>statement shall be filed with the appropriate clerk of the</u>	
7	<u>court in the recipient's county of residence. The verified</u>	1.49
8	<u>lien statement shall contain the following: The name and</u>	1.50
9	<u>address of the person to whom medical care was furnished, the</u>	
10	<u>date of injury, the name and address of the vendor or vendors</u>	1.51
11	<u>furnishing medical care, the dates of the service, the amount</u>	
12	<u>claimed to be due for the care, and, to the best of the state</u>	1.52
13	<u>agency's knowledge, the names and addresses of all persons,</u>	1.53
14	<u>firms, or corporations claimed to be liable for damages</u>	
15	<u>arising from the injuries.</u>	1.54
16	<u>(g) (e)</u> In recovering any payments in accordance with	1.55
17	this subsection, the department is authorized to make	
18	appropriate settlements.	1.56
19	<u>(h) (a)</u> The department shall promulgate rules to	1.57
20	implement the provisions of this subsection. <u>This department</u>	1:1u
21	<u>shall implement this subsection within existing resources.</u>	1.59
22	Section 2. This act shall take effect upon becoming a	1.60
23	law.	
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SCHOOL TEACHERS' RETIREMENT SYSTEM; CHANGES RESTRICTIONS ON ELIGIBILITY FOR MONTHLY ALLOWANCES FOR CERTAIN INCAPACITATED TEACHERS & SUPERINTENDENTS. AMENDS 238.171. EFFECTIVE DATE: 07/01/82.
 01/22/82 SENATE FILED
 01/26/82 SENATE INTRODUCED, REFERRED TO PERSONNEL, RETIREMENT AND COLLECTIVE BARGAINING, APPROPRIATIONS -SJ 00072
 01/28/82 SENATE ON COMMITTEE AGENDA-- PERSONNEL, RETIRE/COLL/BARG. 2/01/82 2 PM RM C
 02/01/82 SENATE EXTENSION OF TIME GRANTED COMMITTEE PERSONNEL, RETIREMENT AND COLLECTIVE BARGAINING
 02/15/82 SENATE EXTENSION OF TIME GRANTED COMMITTEE PERSONNEL, RETIREMENT AND COLLECTIVE BARGAINING
 02/25/82 SENATE EXTENSION OF TIME GRANTED COMMITTEE PERSONNEL, RETIREMENT AND COLLECTIVE BARGAINING
 03/11/82 SENATE EXTENSION OF TIME GRANTED COMMITTEE PERSONNEL, RETIREMENT AND COLLECTIVE BARGAINING
 03/18/82 SENATE WITHDRAWN FROM PERSONNEL, RETIREMENT AND COLLECTIVE BARGAINING, APPROPRIATIONS; REFERRED TO RULES AND CALENDAR -SJ 00510
 03/25/82 SENATE DIED IN COMMITTEE ON RULES AND CALENDAR

S 0583 GENERAL BILL BY MCKNIGHT (SIMILAR H 1089)
 SOCIAL & ECONOMIC ASSISTANCE; PROVIDES FOR RECOVERY OF PAYMENTS, ASSIGNMENT OF FINANCIAL RIGHTS, RELEASE OF MEDICAL INFORMATION, & FOR ENFORCEMENT OF SUBROGATION RIGHTS; PROVIDES FOR IRREVOCABLE PRENEED FUNERAL SERVICE & BURIAL SUPPLY CONTRACTS FOR APPLICANTS ETC. AMENDS 409.266, 639.13
 01/22/82 SENATE EFFECTIVE DATE: 04/20/82. FILED
 01/28/82 SENATE INTRODUCED, REFERRED TO HEALTH AND REHABILITATIVE SERVICES, APPROPRIATIONS -SJ 00076
 02/11/82 SENATE EXTENSION OF TIME GRANTED COMMITTEE HEALTH AND REHABILITATIVE SERVICES
 02/23/82 SENATE ON COMMITTEE AGENDA-- HEALTH & REHAB. SERVICES 2/25/82 2 PM RM A
 02/25/82 SENATE COMM. REPORT: FAVORABLE BY HEALTH AND REHABILITATIVE SERVICES -SJ 00269
 02/26/82 SENATE NOW IN APPROPRIATIONS -SJ 00269
 03/04/82 SENATE WITHDRAWN FROM APPROPRIATIONS -SJ 00312; PLACED ON CALENDAR
 03/09/82 SENATE PLACED ON SPECIAL ORDER CALENDAR; PASSED; YEAS 34 NAYS 0 -SJ 00355
 03/10/82 HOUSE IN MESSAGES
 03/18/82 HOUSE RECEIVED, PLACED ON CALENDAR; SUBSTITUTED FOR HB 1089; READ SECOND TIME; AMENDMENTS ADOPTED; READ THIRD TIME; PASSED AS AMENDED; YEAS 110 NAYS 0 -HJ 00746
 03/18/82 SENATE IN MESSAGES; REFERRED TO RULES AND CALENDAR -SJ 00510
 03/23/82 SENATE WITHDRAWN FROM RULES AND CALENDAR -SJ 00542; PLACED ON SPECIAL ORDER CALENDAR -SJ 00542
 03/25/82 SENATE PLACED ON SPECIAL ORDER CALENDAR -SPJ 00556; CONCURRENT; PASSED AS AMENDED; YEAS 37 NAYS 0; ORDERED ENGROSSED, THEN ENROLLED -SPJ 00562
 04/08/82 SENATE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR
 04/20/82 APPROVED BY GOVERNOR CHAPTER NO. 82-159

S 0584 GENERAL BILL BY FRANK (SIMILAR CS/H 0686, COMPARE CS/S 0556)
 EDUCATION; INCLUDES CERTAIN HIGH SCHOOL STUDENTS TAKING COURSES AT PUBLIC COMMUNITY COLLEGES & STATE UNIVERSITIES WITHIN TERM "FULL-TIME EQUIVALENT STUDENT" FOR FUNDING PURPOSES; INCLUDES SUCH STUDENTS WITHIN DETERMINATION OF SCHOOL DISTRICT TRANSPORTATION FUNDING, ETC. AMENDS CHS. 236, 240. APPROPRIATION. EFFECTIVE DATE: 07/01/82.
 01/22/82 SENATE FILED
 01/28/82 SENATE INTRODUCED, REFERRED TO EDUCATION, APPROPRIATIONS -SJ 00076
 02/11/82 SENATE EXTENSION OF TIME GRANTED COMMITTEE EDUCATION
 02/26/82 SENATE EXTENSION OF TIME GRANTED COMMITTEE EDUCATION
 03/05/82 SENATE EXTENSION OF TIME GRANTED COMMITTEE EDUCATION

S 0585 GENERAL BILL BY MCCLAIN
 POLITICAL PARTIES; REQUIRES GOVERNING BODY OF A POLITICAL PARTY TO ADOPT RULES GOVERNING CERTAIN ENDORSEMENTS OR RECOMMENDATIONS BY ITS COUNTY EXECUTIVE COMMITTEE; PROVIDES FOR ALTERNATIVE DISPOSITION OF PARTY ASSESSMENTS UNDER CERTAIN CIRCUMSTANCES. AMENDS 103.121.
 EFFECTIVE DATE: 04/20/82.
 01/22/82 SENATE FILED
 01/28/82 SENATE INTRODUCED, REFERRED TO JUDICIARY-CIVIL -SJ 00076
 02/04/82 SENATE ON COMMITTEE AGENDA-- JUDICIARY- CIVIL 2/08/82 2 PM RM B
 02/05/82 SENATE EXTENSION OF TIME GRANTED COMMITTEE JUDICIARY-CIVIL
 02/08/82 SENATE COMM. REPORT: FAVORABLE WITH AMEND., PLACED ON CALENDAR BY JUDICIARY-CIVIL -SJ 00135
 03/02/82 SENATE PASSED AS AMENDED; YEAS 34 NAYS 0 -SJ 00285
 03/03/82 HOUSE IN MESSAGES
 03/08/82 HOUSE RECEIVED, REFERRED TO ETHICS & ELECTIONS -HJ 00424
 03/25/82 HOUSE WITHDRAWN FROM ETHICS & ELECTIONS; PLACED ON CALENDAR; PLACED ON SPECIAL ORDER CALENDAR; READ SECOND TIME; AMENDMENTS ADOPTED; READ THIRD TIME; PASSED AS AMENDED; YEAS 86 NAYS 6 -HJ 00853
 03/25/82 SENATE IN MESSAGES; REFERRED TO RULES AND CALENDAR -SJ 00510; WITHDRAWN FROM RULES AND CALENDAR -SPJ 00579; CONCURRENT; PASSED AS AMENDED; YEAS 37 NAYS 0; ORDERED ENGROSSED, THEN ENROLLED -SPJ 00580
 04/08/82 SENATE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR
 04/20/82 APPROVED BY GOVERNOR CHAPTER NO. 82-160

S 0586 LOCAL BILL BY LEWIS (IDENTICAL H 0897)
 LEE CO. AVIATION AUTHORITY; CREATES LEE COUNTY AVIATION AUTHORITY; PRESCRIBES PURPOSES, POWERS, & DUTIES; PROVIDES FOR APPOINTMENT OF MEMBERS & PROVIDES THEIR POWERS & DUTIES; PROVIDES FOR CONTROL OF EXISTING FACILITIES; PROVIDES CREDIT NOT PLEDGED; PROVIDES SEVERABILITY; PROVIDES TERMINATION. EFFECTIVE DATE: UPON BECOMING LAW.
 01/22/82 SENATE FILED
 01/28/82 SENATE INTRODUCED, REFERRED TO RULES AND CALENDAR -SJ 00076
 02/10/82 SENATE EXTENSION OF TIME GRANTED COMMITTEE RULES AND CALENDAR
 02/18/82 SENATE WITHDRAWN FROM RULES AND CALENDAR; PLACED ON SPECIAL ORDER CALENDAR -SJ 00193; PLACED ON LOCAL CALENDAR; PASSED; YEAS 39 NAYS 0 -SJ 00195
 02/23/82 HOUSE IN MESSAGES
 02/26/82 HOUSE RECEIVED, REFERRED TO COMMUNITY AFFAIRS -HJ 00335
 03/25/82 HOUSE DIED IN COMMITTEE ON COMMUNITY AFFAIRS

S 0587 GENERAL BILL BY CHILDERS, DON
 CONTRACT SERVICES/LOCAL GOVERNMENT; PROVIDES THAT A UNIT OF LOCAL GOVERNMENT THAT HAS CONTRACTED WITH A PRIVATE ENTITY MAY NOT GRANT A FEE OR RATE INCREASE TO ENTITY SOLELY BECAUSE THE ENTITY LOST INCOME OR FAILED TO RECEIVE INCOME IT HAD ANTICIPATED IN CARRYING OUT THE CONTRACT. EFFECTIVE DATE: UPON BECOMING LAW.
 01/22/82 SENATE FILED
 01/28/82 SENATE INTRODUCED, REFERRED TO ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS -SJ 00076
 02/12/82 SENATE EXTENSION OF TIME GRANTED COMMITTEE ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS
 02/26/82 SENATE EXTENSION OF TIME GRANTED COMMITTEE ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS
 03/12/82 SENATE EXTENSION OF TIME GRANTED COMMITTEE ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS
 03/18/82 SENATE WITHDRAWN FROM ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS; REFERRED TO RULES AND CALENDAR -SJ 00510
 03/25/82 SENATE DIED IN COMMITTEE ON RULES AND CALENDAR

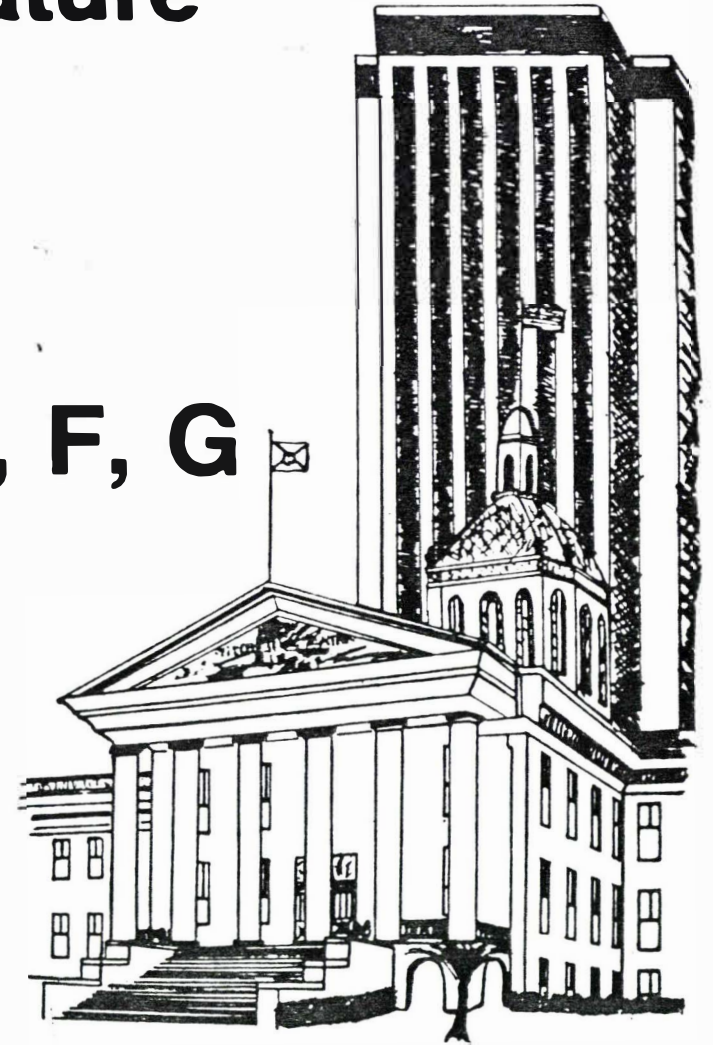
S 0588 JOINT RESOLUTION BY POOLE AND OTHERS (IDENTICAL H 0427)
 PUBLIC SERVICE COMMISSION; CONSTITUTIONAL AMENDMENT TO PROVIDE THAT FLORIDA PUBLIC SERVICE COMMISSION SHALL CONSIST OF FIVE MEMBERS, EACH ELECTED FOR A TERM NOT TO EXCEED 4 YEARS BY THE QUALIFIED ELECTORS OF

Florida Legislature

History of Legislation

1982 Regular Session

Special Sessions C, D, E, F, G



prepared by:

Joint Legislative Management Committee

Legislative Information Division

Capitol Building, Room 826 — 488-4371

02/22/82 02/24/82
02/25/82 HOUSE COMM. REPORT: FAVORABLE WITH AMEND., PLACED ON CALENDAR BY CORRECTIONS, PROBATION & PAROLE -HJ 00333

03/11/82 HOUSE PLACED ON SPECIAL ORDER CALENDAR
03/15/82 HOUSE READ SECOND TIME; AMENDMENTS ADOPTED; READ THIRD TIME; PASSED AS AMENDED; YEAS 106 NAYS 0 -HJ 00591

03/15/82 SENATE IN MESSAGES
03/16/82 SENATE RECEIVED, REFERRED TO CORRECTIONS, PROBATION AND PAROLE -SJ 00456

03/18/82 SENATE WITHDRAWN FROM CORRECTIONS, PROBATION AND PAROLE; REFERRED TO RULES AND CALENDAR -SJ 00510

03/25/82 SENATE DIED IN COMMITTEE ON RULES AND CALENDAR

H 1085 GENERAL BILL/CS BY CORRECTIONS, PROBATION & PAROLE (COMPARE ENG/S 0832) LAW ENFORCEMENT DEPT.; INCREASES TO 8 THE MINIMUM NUMBER OF MEMBERS FOR PANEL WITHIN CRIMINAL JUSTICE STANDARDS & TRAINING COMMISSION TO CONSIDER ACTIONS ON CERTIFICATION & DECERTIFICATION; PROVIDES FOR TEMPORARY CERTIFICATION, ETC. AMENDS 943.11-.12,.14,.145. EFFECTIVE DATE: UPON BECOMING LAW.
02/16/82 HOUSE FILED; INTRODUCED, PLACED ON CALENDAR -HJ 00252
02/18/82 HOUSE WITHDRAWN FROM CALENDAR, RECOMMITTED TO CORRECTIONS, PROBATION & PAROLE -HJ 00299
02/22/82 HOUSE ON COMMITTEE AGENDA-- CORRECTIONS; 24 HOB; 9:15 AM;
02/24/82
03/10/82 HOUSE COMM. REPORT: C/S PLACED ON CALENDAR BY CORRECTIONS, PROBATION & PAROLE -HJ 00501
03/18/82 HOUSE PLACED ON SPECIAL ORDER CALENDAR
03/25/82 HOUSE DIED ON CALENDAR, IDEN./SIM./COMPARE BILL PASSED, REFER TO SB E32 (CH. 82-149)

H 1086 GENERAL BILL/CS BY GOVERNMENTAL OPERATIONS (SIMILAR CS/S 0723) STATE GROUP HEALTH INSURANCE PLAN; REQUIRES ADMINISTRATION DEPARTMENT TO SUBMIT AN ANNUAL REPORT TO LEGISLATURE ON STATE GROUP HEALTH INSURANCE PLAN; PROVIDES THAT DEPARTMENT DEVELOP AMENDMENTS TO SAID PLAN; PROVIDES THAT AUDITOR GENERAL CONDUCT AUDIT. AMENDS 110.123. EFFECTIVE DATE: UPON BECOMING LAW.
02/16/82 HOUSE FILED; INTRODUCED, REFERRED TO GOVERNMENTAL OPERATIONS -HJ 00252
02/22/82 HOUSE ON COMMITTEE AGENDA-- GOV. OP.; 21 HOB; 10:00 AM;
02/24/82
02/26/82 HOUSE COMM. REPORT: C/S PLACED ON CALENDAR BY GOVERNMENTAL OPERATIONS -HJ 00357
03/03/82 HOUSE WITHDRAWN FROM CALENDAR, REFERRED TO APPROPRIATIONS -HJ 00384
03/04/82 HOUSE SUBREFERRED TO SUBCOMMITTEE ON STATE EMPLOYEE BENEFITS (SELECT)
03/25/82 HOUSE DIED IN COMMITTEE ON APPROPRIATIONS

H 1087 GENERAL BILL BY CRIMINAL JUSTICE (COMPARE S 0237) LAW ENFORCEMENT DEPARTMENT; CREATES THE FORFEITURE SUPPORT TRUST FUND; REQUIRES THE DEPT. TO DEPOSIT REMAINING PROCEEDS OF SALE OF FORFEITED CONTRABAND INTO THE FUND TO DEFRAY DEPARTMENTAL EXPENDITURES & TO FUND CERTAIN POSITIONS; CREATES THE INVESTIGATIVE SUPPORT TRUST FUND, ETC. CREATES 943.035. EFFECTIVE DATE: 07/01/82.
02/16/82 HOUSE FILED; TARGETED FOR STATE FISCAL IMPACT; INTRODUCED, REFERRED TO APPROPRIATIONS -HJ 00252
02/18/82 HOUSE SUBREFERRED TO SUBCOMMITTEE ON HRS/CRIMINAL JUSTICE
03/12/82 HOUSE ON COMMITTEE AGENDA-- SUBCOMM.; 214 C; 12:00 NOON;
03/12/82
03/24/82 HOUSE ON COMMITTEE AGENDA-- APPROPRIATIONS; 21 HOB; 12 NOON;
03/24/82
03/25/82 HOUSE DIED IN COMMITTEE ON APPROPRIATIONS
04/07/82 REFER TO SB 18-D (CH. 82-239)

H 1088 GENERAL BILL BY CASAS (IDENTICAL S 0912) RELIEF/DADE CO. TRANSIT AUTHORITY; COMPENSATES METROPOLITAN DADE COUNTY TRANSIT AUTHORITY FOR LOSS OF REVENUE SUSTAINED BY OVERPAYMENT OF MOTOR VEHICLE LICENSE TAXES ON COUNTY BUSES. CLAIM WITH APPROPRIATION: \$983,396. EFFECTIVE DATE: UPON BECOMING LAW.
CONTINUED ON NEXT PAGE

02/16/82 HOUSE FILED; INTRODUCED, REFERRED TO JUDICIARY -HJ 00252
03/25/82 HOUSE DIED IN COMMITTEE ON JUDICIARY

H 1089 GENERAL BILL BY HEALTH & REHABILITATIVE SERVICES (SIMILAR ENG/S 0582) MEDICAL ASSISTANCE; PROVIDES FOR RECOVERY OF PAYMENTS, ASSIGNMENT OF FINANCIAL RIGHTS, RELEASE OF MEDICAL INFORMATION; ENFORCEMENT OF SUBROGATION RIGHTS, & IMPOSITION OF LIENS. AMENDS 409.266. EFFECTIVE DATE: UPON BECOMING LAW.
02/16/82 HOUSE FILED
02/18/82 HOUSE TARGETED FOR STATE FISCAL IMPACT; INTRODUCED, REFERRED TO APPROPRIATIONS -HJ 00299
02/24/82 HOUSE SUBREFERRED TO SUBCOMMITTEE ON HRS/CRIMINAL JUSTICE (SUB. 1)
03/12/82 HOUSE ON COMMITTEE AGENDA-- SUBCOMM.; 214 C; 12:00 NOON;
03/12/82
03/15/82 HOUSE ON COMMITTEE AGENDA-- APPROPRIATIONS; 21 HOB; 4 P.M.;
03/15/82
03/16/82 HOUSE COMM. REPORT: FAVORABLE, PLACED ON CALENDAR BY APPROPRIATIONS -HJ 00674; PLACED ON SPECIAL ORDER CALENDAR
03/18/82 HOUSE IDEN./SIM. SENATE BILL SUBSTITUTED; LAID ON TABLE UNDER RULE, IDEN./SIM./COMPARE BILL PASSED, REFER TO SB (CH. 82-159) -HJ 00746

H 1090 GENERAL BILL BY HEALTH & REHABILITATIVE SERVICES (COMPARE CS/S 0664) LONG-TERM CARE FACILITIES; AUTHORIZES REGULATING AGENCY TO ISSUE NURSING HOME LICENSES FOR PERIODS OF LESS THAN 1 YEAR & TO PRORATE LICENSE FEES FOR SAME; MODIFIES TIME FRAMES FOR SUBMITTING APPLICATION FOR NURSING HOME LICENSE UNDER CERTAIN CIRCUMSTANCES, ETC. AMENDS 400.062,.111,.162,.427. EFFECTIVE DATE: 07/01/82.
02/16/82 HOUSE FILED
02/18/82 HOUSE INTRODUCED, PLACED ON CALENDAR -HJ 00299
03/08/82 HOUSE PLACED ON SPECIAL ORDER CALENDAR
03/11/82 HOUSE IDEN./SIM. SENATE BILL SUBSTITUTED -HJ 00525; LAID ON TABLE UNDER RULE, IDEN./SIM./COMPARE BILL PASSED, REFER TO C/S SB 684 (CH. 82-148) -HJ 00529

H 1091 GENERAL BILL BY FINANCE & TAXATION (SIMILAR CS/S 0269, COMPARE H 1079, ENG/S 0281) TAX ADMINISTRATION; EXTENDS STATUTE OF LIMITATIONS RE CERTAIN TAX LIENS TO 20 YEARS AFTER LIEN IS PERFECTED; SPECIFIES METHOD OF PERFECTING CERTAIN LIENS; PROVIDES RESULT OF FAILURE TO PERFECT LIEN WITHIN SPECIFIED PERIOD, ETC. AMENDS 95.091-.11, 212.18, 213.05, 214.40; REPEALS 205.022(6). EFFECTIVE DATE: 07/01/82.
02/16/82 HOUSE FILED
02/18/82 HOUSE INTRODUCED, PLACED ON CALENDAR -HJ 00499
03/25/82 HOUSE DIED ON CALENDAR, IDEN./SIM./COMPARE BILL PASSED, REFER TO SB 281 (CH. 82-75)

H 1092 GENERAL BILL BY RETIREMENT, PERSONNEL & COLLECTIVE BARGAINING CAREER SERVICE; AUTHORIZES P.S.C., WITH APPROVAL OF D.O.A., TO SET SALARIES OF ITS OFFICIAL REPORTERS; INCLUDES PERSONAL SECRETARIES OF ELECTED CABINET OFFICERS AMONG EMPLOYEES ELIGIBLE FOR SENIOR MANAGEMENT SERVICE BENEFITS OTHER THAN SALARY, ETC. AMENDS 110.205,.402. EFFECTIVE DATE: 07/01/82.
02/16/82 HOUSE FILED
02/18/82 HOUSE INTRODUCED, PLACED ON CALENDAR -HJ 00299
03/03/82 HOUSE PLACED ON SPECIAL ORDER CALENDAR
03/08/82 HOUSE READ SECOND TIME -HJ 00441
03/09/82 HOUSE READ THIRD TIME; PASSED; YEAS 84 NAYS 24 -HJ 00455
03/09/82 SENATE IN MESSAGES
03/10/82 SENATE RECEIVED, REFERRED TO PERSONNEL, RETIREMENT AND COLLECTIVE BARGAINING -SJ 00364
03/11/82 SENATE WITHDRAWN FROM PERSONNEL, RETIREMENT AND COLLECTIVE BARGAINING -SJ 00400; PLACED ON CALENDAR
03/18/82 SENATE WITHDRAWN FROM CALENDAR, REFERRED TO RULES AND CALENDAR -SJ 00510
03/25/82 SENATE WITHDRAWN FROM RULES AND CALENDAR; PASSED; YEAS 36 NAYS 0 -SPJ 00585
CONTINUED ON NEXT PAGE

19/1065

COMMITTEE ON HEALTH & REHABILITATIVE SERVICES

FCB #7
House HRS Committee
Relating to Medicaid
Third Party Reimbursement

Other Committee of Reference:

Similar/Companion Bill:

FCB #7
Page Two

January 14, 1982

I. Summary

A. Present Situation

With the Medicaid Third Party Recovery Unit fully staffed effective October 1980 and the computerized Third Party Liability Subsystem of the Florida Medicaid Management Information System in effect, Medicaid recoveries for fiscal year 1980/81 totaled \$19,164,814.90--a 273.8% increase over FY 79/80 recoveries. Based on the 1980/81 budget of \$245,842.00 which included such start-up costs as procurement of computer equipment, the Medicaid Third Party Recovery Unit recovered \$77.95 for every \$1.00 spent.¹

The U.S. Department of Health and Human Services estimates that 14% of the funds expended on the Medicaid program should be paid by third parties. If this percentage were applied to Florida's current annual Medicaid budget of \$460,000,000, third party recoveries in Florida could potentially amount to as much as \$64,400,000 a year. According to the Department of Health and Rehabilitative Services (DHRS), third party collections would increase, if its ability to recover third party benefits were strengthened.

Currently, the Department is statutorily authorized to recover third party payments either from a Medicaid recipient if he has received third party payment, or directly from an insurance carrier liable to make a medical payment on behalf of a Medicaid recipient. However, the statute does not address the recovery of payments from a health care provider if such provider has recovered third party payment for medical services rendered to a Medicaid recipient. In addition, the statute does not give DHRS the automatic assignment or release of medical information authority required to recover third party payment directly from insurance carriers. Specific provisions for enforcing the Department's authority to recover payments are also absent from the law.

B. Probable Effect of Proposed Changes

The bill strengthens DHRS's authority to recover third party payments for services rendered to Medicaid recipients and paid for by the state.

Sectional Analysis

Section 1. Amends s. 409.266, F.S. Provides for the recovery of third party payments from health care providers under certain circumstances; provides DHRS with the automatic assignment of benefits and release of medical information authority needed to obtain reimbursement from third parties; specifies enforcement provisions available to DHRS to enforce its subrogation rights; authorizes DHRS to file a lien upon any cause of action benefits which accrue to a Medicaid recipient under certain circumstances; specifies the time frame and procedures for filing a lien; reletters paragraphs (c) and (d) as (g) and (h).

Section 2. Provides an effective date.

II. Fiscal Impact

A. Federal and State

As stated earlier, in 1980/81, the Medicaid Third Party Recovery Unit recovered \$19,164,814.90. Since October 1980, when the Unit was established and fully staffed, recoveries increased 273.8% over FY 79/80 recoveries. If projections by the U.S. Department of Health and Human Services are accurate, third party recoveries could conceivably increase to as much as \$64,400,000 annually.

B. Private

It is difficult to determine the impact, if any, of the bill on insurance carriers since many are currently cooperating with the Department in its third party recovery efforts. The same is true of health care providers.

III. Comments

None.

Prepared by: Mary Ellen Early

Staff Director: A. Stephen Bill

¹DHRS Medicaid Program Office, "Proposed Legislation - Medicaid Third Party Recovery" (Issue paper), August 18, 1981, p. 1.

²Ibid., p. 2.

GENERAL ACTS
RESOLUTIONS AND MEMORIALS
ADOPTED BY THE
SEVENTH LEGISLATURE OF FLORIDA
UNDER THE CONSTITUTION
AS REVISED IN 1968

During the Second Regular Session
January 18, 1982 through March 25, 1982
and the Special Sessions
March 29, 1982 through April 7, 1982,
April 7, 1982,
April 7, 1982,
May 21, 1982, and
June 21, 1982 through June 22, 1982



Volume I, Part One

Published by Authority of Law
Under Direction of the
JOINT LEGISLATIVE MANAGEMENT
COMMITTEE
TALLAHASSEE

1982

(d) A public assistance applicant or recipient who receives medical care for which the department may be obligated to pay shall be deemed to have provided the department the authority to release medical information for such medical care for the sole purpose of obtaining reimbursement for medical assistance payments directly from third parties.

(e) The department may, in order to enforce its subrogation rights under this section, institute, intervene, or join any legal proceedings against any third party against whom recovery rights arise. No action taken by the department shall operate to deny the recipient's recovery for that portion of his damages not subrogated to the department and no action of the recipient shall prejudice the department's subrogation rights.

(f) When the department provides, pays for, or becomes liable for medical care, it shall have a lien for the amount of medical assistance paid upon any and all causes of action which accrue to the person to whom care was furnished, or to his legal representatives, as a result of sickness, injury, disease, disability, or death, due to the liability of a third party which necessitated the medical care. The department shall have 1 year from the date when the last item of medical care relative to a specific accident or spell of illness was paid in which to file its verified lien statement, and the statement shall be filed with the clerk of circuit court in the recipient's county of residence. The verified lien statement shall contain the name and address of the person to whom medical care was furnished, the date of injury, the name and address of the vendor or vendors furnishing medical care, the dates of the service, the amount claimed to be due for the care, and, to the best knowledge of the department, the names and addresses of all persons, firms, or corporations claimed to be liable for damages arising from the injuries.

(g){e} In recovering any payments in accordance with this subsection, the department is authorized to make appropriate settlements.

(h){d} The department shall promulgate rules to implement the provisions of this subsection.

Section 2. Subsection (2) of section 639.13, Florida Statutes, is amended to read:

639.13 Cancellation of, or default on, contracts.--

(2) No preneed funeral service or preneed burial supply contract shall restrict any contract purchaser who is an applicant for, or a recipient of, Supplemental Security Income, aid to families with dependent children, or Medicaid receiving public assistance from making his contract irrevocable in accordance with rules of the Department of Health and Rehabilitative Services.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor April 20, 1982.

Filed in Office Secretary of State April 21, 1982.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor April 20, 1982.

Filed in Office Secretary of State April 21, 1982.

CHAPTER 82-159

Senate Bill No. 583

An act relating to social and economic assistance, amending s. 409.266(3), Florida Statutes; providing for recovery of payments; providing for assignment of financial rights; providing for release of medical information; providing for enforcement of subrogation rights; providing for imposition of liens; providing for irrevocable preneed funeral service and burial supply contracts for applicants for, and recipients of, Supplemental Security Income, aid to families with dependent children, or Medicaid; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (3) of section 409.266, Florida Statutes, is amended to read:

409.266 Medical assistance.--

(3)(a) Third-party coverage for medical services shall be primary coverage and shall be exhausted before any payment authorized under this section shall be made on the behalf of any person eligible for services under this section.

(b) A public assistance applicant or recipient shall inform the department of any rights he has to third-party payments for medical services. The department shall automatically be subrogated to any such rights the recipient has to third-party payments and shall recover to the fullest extent possible the amount of all medical assistance payments made on the behalf of the recipient. Recovery of such payments shall be collected directly from:

1. Any third party liable to make a medical benefit payment to the provider of the recipient's medical services or to the recipient under the terms of any contract, settlement, or award; or

2. The recipient, if he has received third-party payment for medical services provided to him; or

3. The provider of the recipient's medical services if third-party payment for medical services has been recovered by the provider.

(c) A public assistance applicant or recipient who receives medical care for which the department may be obligated to pay shall be deemed to have made assignment to the department of any right such person has to any payments for such medical care from a third party, up to the amount of medical assistance paid by the department.

1 2. The recipient, if he has received third-party 1.23
 2 payment for medical services provided to him; ~~or~~ 1.24
 3 3. The provider of the recipient's medical services if 1.25
 4 third-party payment for medical services has been recovered by 1.26
 5 the provider.
 6 (c) A public assistance applicant or recipient who 1.27
 7 receives medical care for which the department may be
 8 obligated to pay shall be deemed to have made assignment to 1.28
 9 the department of any right such person has to any payments
 10 for such medical care from a third party, up to the amount of 1.29
 11 medical assistance paid by the department. 1.30
 12 (d) A public assistance applicant or recipient who 1:1us
 13 receives medical care for which the department may be 1.31
 14 obligated to pay shall be deemed to have provided the
 15 department the authority to release medical information for 1.32
 16 such medical care for the sole purpose of obtaining 1.33
 17 reimbursement for medical assistance payments directly from
 18 third parties. 1.34
 19 (e) The department may, to enforce such subrogation 1:1us
 20 rights under this section, institute, intervene, or join any 1.35
 21 legal proceedings against any third parties against whom 1.36
 22 recovery rights arise. No action taken by the department 1.38
 23 shall operate to deny the recipient's recovery for that
 24 portion of his damages not subrogated to the department and no 1.39
 25 action of the recipient shall prejudice the department's 1.40
 26 subrogation rights.
 27 (f) When the department provides, pays for, or becomes 1.41
 28 liable for medical care, it shall have a lien for the amount
 29 of medical assistance paid upon any and all causes of action 1.42
 30 which accrue to the person to whom care was furnished, or to
 31 his legal representatives, as a result of sickness, injury, 1.43

PCB #7

19/1065

173-458-2-2

1	A bill to be entitled	1:btc
2	An act relating to medical assistance; amending	1.3
3	s. 409.266(3), Florida Statutes; providing for	1.4
4	recovery of payments; providing for assignment	
5	of financial rights; providing for release of	
6	medical information; providing for enforcement	1.5
7	of subrogation rights; providing for imposition	
8	of liens; providing an effective date.	1.6
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10	Be It Enacted by the Legislature of the State of Florida:	1:enc
11		
12	Section 1. Subsection (3) of section 409.266, Florida	1.7
13	Statutes, is amended to read:	
14	409.266 Medical assistance.--	1.8
15	(3)(a) Third-party coverage for medical services shall	1.10
16	be primary coverage and shall be exhausted before any payment	
17	authorized under this section shall be made on the behalf of	1.11
18	any person eligible for services under this section.	
19	(b) A public assistance applicant or recipient shall	1.13
20	inform the department of any rights he has to third-party	
21	payments for medical services. The department shall	1.15
22	automatically be subrogated to any such rights the recipient	
23	has to third-party payments and shall recover to the fullest	1.16
24	extent possible the amount of all medical assistance payments	
25	made on the behalf of the recipient. Recovery of such	1.18
26	payments shall be collected directly from:	
27	1. Any third party liable to make a medical benefit	1.19
28	payment to the provider of the recipient's medical services or	1.21
29	to the recipient under the terms of any contract, settlement,	1.22
30	or award; or	1:los
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HOUSE SUMMARY

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Amends provisions of law relating to medical assistance provided under Title XIX of the Social Security Act (Medicaid), to:

(1) Provide that payments due pursuant to third-party coverage for medical services (which coverage must be exhausted before any Medicaid payments may be made) may be collected directly from the provider of medical services if such third-party payment has been recovered by him.

(2) Provide that a public assistance applicant who receives medical care for which the Department of Health and Rehabilitative Services may be obligated to pay shall be deemed to have assigned his rights to the department for any third-party payments for such care, up to the amount of assistance paid, and to have authorized the department to release medical information necessary to obtain reimbursement for such assistance.

(3) Authorize the department to enforce such subrogation rights, within specified limits.

(4) Declare the amount of medical assistance paid for or provided by the department, or for which the department may become liable, to be a lien upon any and all causes of action which accrue to the person to whom care was furnished as a result of the liability of a third party, subject to certain restrictions.

1 disease, disability, or death, due to the liability of a third 1.44
2 party which necessitated the medical care. The department 1.45
3 shall have 1 year from the date when the last item of medical
4 care relative to a specific accident or spell of illness was 1.46
5 paid in which to file its verified lien statement, and the 1.47
6 statement shall be filed with the appropriate clerk of the
7 court in the recipient's county of residence. The verified 1.49
8 lien statement shall contain the following: The name and 1.50
9 address of the person to whom medical care was furnished, the
10 date of injury, the name and address of the vendor or vendors 1.51
11 furnishing medical care, the dates of the service, the amount
12 claimed to be due for the care, and, to the best of the state 1.52
13 agency's knowledge, the names and addresses of all persons, 1.53
14 firms, or corporations claimed to be liable for damages
15 arising from the injuries. 1.54

16 (g) ~~(e)~~ In recovering any payments in accordance with 1.55
17 this subsection, the department is authorized to make
18 appropriate settlements. 1.56

19 (h) ~~(d)~~ The department shall promulgate rules to 1.57
20 implement the provisions of this subsection. This department 1:lus
21 shall implement this subsection within existing resources. 1.59

22 Section 2. This act shall take effect upon becoming a 1.60
23 law.
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1 2. The recipient, if he has received third-party
2 payment for medical services provided to him; or-

3 3. The provider of the recipient's medical services if
4 third-party payment for medical services has been recovered by
5 the provider.

6 (c) A public assistance applicant or recipient who
7 receives medical care for which the department may be
8 obligated to pay shall be deemed to have made assignment to
9 the department of any right such person has to any payments
10 for such medical care from a third party, up to the amount of
11 medical assistance paid by the department.

12 (d) A public assistance applicant or recipient who
13 receives medical care for which the department may be
14 obligated to pay shall be deemed to have provided the
15 department the authority to release medical information for
16 such medical care for the sole purpose of obtaining
17 reimbursement for medical assistance payments directly from
18 third parties.

19 (e) The department may, in order to enforce its
20 subrogation rights under this section, institute, intervene,
21 or join any legal proceedings against any third party against
22 whom recovery rights arise. No action taken by the department
23 shall operate to deny the recipient's recovery for that
24 portion of his damages not subrogated to the department and no
25 action of the recipient shall prejudice the department's
26 subrogation rights.

27 (f) When the department provides, pays for, or becomes
28 liable for medical care, it shall have a lien for the amount
29 of medical assistance paid upon any and all causes of action
30 which accrue to the person to whom care was furnished, or to
31 his legal representatives, as a result of sickness, injury,

38-903-82

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A bill to be entitled

An act relating to medical assistance, amending s. 409.266(3), Florida Statutes; providing for recovery of payments; providing for assignment of financial rights; providing for release of medical information; providing for enforcement of subrogation rights; providing for imposition of liens; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (3) of section 409.266, Florida Statutes, is amended to read:

409.266 Medical assistance.--

(3)(a) Third-party coverage for medical services shall be primary coverage and shall be exhausted before any payment authorized under this section shall be made on the behalf of any person eligible for services under this section.

(b) A public assistance applicant or recipient shall inform the department of any rights he has to third-party payments for medical services. The department shall automatically be subrogated to any such rights the recipient has to third-party payments and shall recover to the fullest extent possible the amount of all medical assistance payments made on the behalf of the recipient. Recovery of such payments shall be collected directly from:

1. Any third party liable to make a medical benefit payment to the provider of the recipient's medical services or to the recipient under the terms of any contract, settlement, or award; or

1 disease, disability, or death, due to the liability of a third
 2 party which necessitated the medical care. The department
 3 shall have 1 year from the date when the last item of medical
 4 care relative to a specific accident or spell of illness was
 5 paid in which to file its verified lien statement, and the
 6 statement shall be filed with the clerk of circuit court in
 7 the recipient's county of residence. The verified lien
 8 statement shall contain the name and address of the person to
 9 whom medical care was furnished, the date of injury, the name
 10 and address of the vendor or vendors furnishing medical care,
 11 the dates of the service, the amount claimed to be due for the
 12 care, and, to the best knowledge of the department, the names
 13 and addresses of all persons, firms, or corporations claimed
 14 to be liable for damages arising from the injuries.

15 (g) ~~(e)~~ In recovering any payments in accordance with
 16 this subsection, the department is authorized to make
 17 appropriate settlements.

18 (h) ~~(d)~~ The department shall promulgate rules to
 19 implement the provisions of this subsection.

20 Section 2. This act shall take effect upon becoming a
 21 law.

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 23 *****
 24 SENATE SUMMARY
 25 Provides subrogation rights of the Department of Health
 26 and Rehabilitative Services with respect to medical
 27 assistance and provides for enforcement of those rights.
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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

Analyst: Causseaux
Staff Director: Carnes
Subject: Medical Assistance

Bill No. And Sponsor:
SB 583 by Senator McKnight

Section 2. Provides an effective date.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

It is difficult to determine the impact of the bill on insurance carriers. However, the bill would have some impact on insurance carriers, and ultimately the public, if third party recoveries increase to \$64,400,000 annually, as is projected. According to the department, both insurance carriers and health care providers are currently cooperating with third party recovery efforts.

B. Government:

As stated earlier, in 1980-81, the Medicaid Third Party Recovery Unit recovered \$19,164,814.90. Since October 1980, when the Unit was established and fully staffed, recoveries increased 273.8% over FY 79-80 recoveries. If projections by the U. S. Department of Health and Human Services are accurate, third party recoveries could conceivably increase to as much as \$64,400,000 annually.

III. COMMENTS:

None.

IV. AMENDMENTS:

Amends s. 639.13 extending the provision for irrevocable prepaid funeral and burial contracts for applicants of public assistance. Thus, prepaid funeral and burial contracts will not be counted as a resource for persons applying for public assistance.

DATE: _____

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Causseab	Carnes	1. HRS	FAV.
2. _____	_____	2. Approp.	Withdrawn
3. _____	_____	3. _____	_____

SUBJECT: Medical assistance

BILL NO. AND SPONSOR:

SB 583 by Senator McKnight

I. SUMMARY:

A. Present Situation:

With the Medicaid Third Party Recovery Unit fully staffed effective October 1980 and the computerized Third Party Liability Subsystem of the Florida Medicaid Management Information System in effect, Medicaid recoveries for fiscal year 1980-81 totaled \$19,164,814.90--a 273.8% increase over FY 79-80 recoveries. Based on the 1980-81 budget of \$245,842.00 which included such start-up costs as procurement of computer equipment, the Medicaid Third Party Recovery Unit recovered \$77.95 for every \$1 spent.

The U. S. Department of Health and Human Services estimates that 14% of the funds expended on the Medicaid program should be paid by third parties. If this percentage were applied to Florida's current annual Medicaid budget of \$460,000,000, third party recoveries in Florida could potentially amount to as much as \$64,400,000 a year. According to the Department of Health and Rehabilitative Services (HRS), third party collections would increase, if its ability to recover third party benefits were strengthened.

Currently, the Department is statutorily authorized to recover third party payments either from a Medicaid recipient if he has received third party payment, or directly from an insurance carrier liable to make a medical payment on behalf of a Medicaid recipient. However, the statute does not address the recovery of payments from a health care provider if such provider has recovered third party payment for medical services rendered to a Medicaid recipient. In addition, the statute does not give HRS the automatic assignment or the authority to release medical information required to recover third party payments directly from insurance carriers. Specific provisions for enforcing the Department's authority to recover payments are also absent from the law.

B. Effect of Proposed Changes:

The bill strengthens HRS's authority to recover third party payments for services rendered to Medicaid recipients and paid for by the state.

Sectional Analysis

Section 1. Amends s. 409.266, Florida Statutes. Provides for the recovery of third party payments from health care providers under certain circumstances; provides HRS with the automatic assignment of benefits and the authority to release medical information needed to obtain reimbursement from third parties; specifies enforcement provisions available to HRS to enforce its subrogation rights; authorizes HRS to file a lien upon any cause of action benefits which accrue to a Medicaid recipient under certain circumstances; specifies the time frame and procedures for filing a lien; reletters paragraphs (c) and (d) as (g) and (h).