

## Session 117 - (2007-2008)

**S\*0669 (Rat #0405, Act #0348 of 2008) General Bill, By Alexander**

**Similar (H 4719, H 5020)**

**Summary:** Insurers responsible for payment of claim

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 43-7-465 SO AS TO PROVIDE THAT AN INSURER THAT IS RESPONSIBLE FOR PAYMENT OF A CLAIM FOR A HEALTH CARE ITEM OR SERVICE AS A CONDITION OF DOING BUSINESS IN THIS STATE SHALL PROVIDE INFORMATION TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES ON INDIVIDUALS WHO RECEIVE MEDICAL ASSISTANCE UNDER THE STATE PLAN, SHALL ACCEPT THE STATE'S RIGHT OF RECOVERY OF CERTAIN PAYMENTS MADE UNDER THE STATE PLAN, SHALL RESPOND TO CLAIMS, AND SHALL AGREE NOT TO DENY CLAIMS ON THE BASIS OF THE TIME THE CLAIM WAS FILED, IF TIMELY FILED, THE FORMAT OF THE CLAIM FORM, OR FAILURE TO PRESENT DOCUMENTATION AT THE POINT OF SALE THAT IS THE BASIS OF THE CLAIM; SECTION 43-7-410, AS AMENDED, RELATING TO THE DEFINITION OF TERMS USED IN THE ASSIGNMENT AND SUBROGATION OF CLAIMS FOR REIMBURSEMENT FOR MEDICAID SERVICES, SO AS TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 43-7-420, RELATING TO THE ASSIGNMENT OF RIGHTS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO RECOVER FROM THIRD PARTIES AMOUNTS PAID BY MEDICAID, SO AS TO PROVIDE THAT APPLYING FOR OR RECEIVING MEDICAID BENEFITS CREATES A REBUTTABLE PRESUMPTION THAT THE PERSON WAS INFORMED OF THE ASSIGNMENT OF HIS RIGHT TO THE DEPARTMENT TO RECOVER FROM A THIRD PARTY AMOUNTS PAID BY MEDICAID; TO AMEND SECTION 43-7-430, RELATING TO SUBROGATION TO THE DEPARTMENT OF THE RIGHT TO RECOVER FROM THIRD PARTIES AMOUNTS PAID BY MEDICAID, SO AS TO DELETE OBSOLETE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 43-7-440, AS AMENDED, RELATING TO ENFORCEMENT OF AND SUPERIORITY OF THE DEPARTMENT'S SUBROGATION RIGHTS, SO AS TO DELETE OBSOLETE REFERENCES AND MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 43-7-460, AS AMENDED, RELATING TO RECOVERY FROM ESTATES OF MEDICAID RECIPIENTS AMOUNTS PAID FOR SERVICES THROUGH MEDICAID, SO AS TO DELETE OBSOLETE LANGUAGE, MAKE TECHNICAL CORRECTIONS, AND TO REVISE THE DEFINITION OF "IMMEDIATE FAMILY MEMBER" TO INCLUDE GRANDCHILDREN; TO AMEND SECTION 38-79-130, RELATING TO THE POWERS OF SOUTH CAROLINA MEDICAL MALPRACTICE LIABILITY JOINT UNDERWRITING ASSOCIATION, INCLUDING THE POWER TO ISSUE MEDICAL MALPRACTICE POLICIES, SO AS TO AUTHORIZE THE ASSOCIATION TO INCREASE ITS POLICY LIMITS UP TO ONE MILLION DOLLARS PER CLAIM AND THREE MILLION DOLLARS FOR ALL CLAIMS IN ANY ONE YEAR UPON APPROVAL OF THE BOARD; TO AMEND SECTION 38-79-420, AS AMENDED, RELATING TO THE CREATION OF THE PATIENTS' COMPENSATION FUND, INCLUDING PAYMENT OF MEDICAL MALPRACTICE CLAIMS IN EXCESS OF POLICY LIMITS, SO AS TO AUTHORIZE THIS FUND TO ALSO MAKE PAYMENTS AS OTHERWISE PROVIDED FOR IN LAW; TO AMEND SECTION 38-79-430, RELATING TO THE CREATION OF THE BOARD OF GOVERNORS OF THE PATIENTS' COMPENSATION FUND, SO AS TO MAKE A TECHNICAL CORRECTION; TO AMEND SECTION 39-79-480, RELATING TO ACTIONS FOR DAMAGES ARISING OUT OF THE RENDERING OF MEDICAL SERVICES, SO AS TO PROVIDE THAT THE PATIENTS' COMPENSATION FUND ALSO MAY MAKE PAYMENTS AS OTHERWISE PROVIDED FOR IN LAW; AND TO AMEND SECTION 38-29-40, RELATING TO INSURANCE POLICIES, ANNUITY CONTRACTS, AND OTHER CONTRACTS TO WHICH THIS CHAPTER, THE "SOUTH CAROLINA LIFE AND ACCIDENT AND HEALTH INSURANCE GUARANTY ASSOCIATION", DOES OR DOES NOT APPLY, SO AS TO PROVIDE THAT THIS CHAPTER DOES NOT APPLY TO POLICIES OR CONTRACTS TO THE EXTENT THAT REQUIRED ASSESSMENTS OF MEMBERS OF THE ASSOCIATION ARE PREEMPTED BY FEDERAL OR STATE LAW. - ratified title

04/12/07	Senate	Introduced and read first time SJ-14
04/12/07	Senate	Referred to Committee on Medical Affairs SJ-14
02/27/08	Senate	Committee report: Favorable Medical Affairs SJ-7
02/28/08	Senate	Read second time SJ-4
02/28/08		Scrivener's error corrected
03/05/08	Senate	Read third time and sent to House SJ-20
03/06/08	House	Introduced and read first time HJ-13
03/06/08	House	Referred to Committee on Labor, Commerce and Industry HJ-13
04/02/08	House	Recalled from Committee on Labor, Commerce and Industry HJ-35
04/02/08	House	Referred to Committee on Medical, Military, Public and Municipal Affairs HJ-35
05/21/08	House	Committee report: Favorable with amendment Medical, Military, Public and Municipal Affairs

		HJ-203
05/23/08		Scrivener's error corrected
05/28/08	House	Debate adjourned HJ-27
05/28/08	House	Amended HJ-152
05/28/08	House	Read second time HJ-163
05/29/08	House	Read third time and returned to Senate with amendments HJ-8
06/03/08		Scrivener's error corrected
06/05/08	Senate	Concurred in House amendment and enrolled SJ-139
06/10/08		Ratified R 405
06/16/08		Signed By Governor
06/27/08		Copies available
06/27/08		Effective date 06/16/08
07/11/08		Act No. 348