

HOUSE BILL No. 4815

May 24, 2001, Introduced by Reps. Vander Veen, Raczkowski, Rivet, Jelinek, Switalski, Kooiman, Plakas, Bovin, Gielegem, Ruth Johnson and Pestka and referred to the Committee on Health Policy.

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
(MCL 400.1 to 400.119b) by adding section 106b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 106B. (1) IN ENFORCING ITS SUBROGATION RIGHT UNDER
2 SECTION 106A, THE DEPARTMENT OF COMMUNITY HEALTH MAY INSTITUTE
3 THE PROCEEDINGS IN ITS OWN NAME OR IN THE NAME OF THE INJURED,
4 DISEASED, OR DISABLED PERSON OR THE PERSON'S GUARDIAN, PERSONAL
5 REPRESENTATIVE, ESTATE, DEPENDENT, OR SURVIVOR. AS PROVIDED IN
6 SECTION 6023 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,
7 MCL 600.6023, THE DEPARTMENT OF COMMUNITY HEALTH, IN ENFORCING
8 ITS SUBROGATION RIGHT, SHALL NOT SATISFY A JUDGMENT AGAINST THE
9 THIRD PERSON'S PROPERTY THAT IS EXEMPT FROM LEVY AND SALE.

10 (2) THE INJURED, DISEASED, OR DISABLED PERSON MAY PROCEED IN
11 HIS OR HER OWN NAME, COLLECTING THE COSTS WITHOUT THE NECESSITY

1 OF JOINING THE DEPARTMENT OF COMMUNITY HEALTH OR THE STATE AS A
2 NAMED PARTY. THE INJURED, DISEASED, OR DISABLED PERSON SHALL
3 NOTIFY THE DEPARTMENT OF COMMUNITY HEALTH OF THE ACTION OR PRO-
4 CEEDING ENTERED INTO UPON COMMENCEMENT OF THE ACTION OR
5 PROCEEDING.

6 (3) AN ACTION TAKEN BY THE STATE OR THE DEPARTMENT OF COMMU-
7 NITY HEALTH IN CONNECTION WITH THE RIGHT OF RECOVERY AFFORDED BY
8 THIS SECTION OR SECTION 106A DOES NOT DENY THE INJURED, DISEASED,
9 OR DISABLED PERSON A PART OF THE RECOVERY BEYOND THE COSTS
10 EXPENDED ON THE PERSON'S BEHALF BY THE DEPARTMENT OF COMMUNITY
11 HEALTH. THE COSTS OF LEGAL ACTION INITIATED BY THE STATE SHALL
12 BE PAID BY THE STATE. A PAYMENT SHALL NOT BE MADE UNDER THIS ACT
13 FOR MEDICAL ASSISTANCE FOR AN INJURY, DISEASE, OR DISABILITY FOR
14 WHICH THE PATIENT IS ENTITLED TO MEDICAL CARE OR THE COST OF MED-
15 ICAL CARE UNDER THE WORKER'S DISABILITY COMPENSATION ACT OF 1969,
16 1969 PA 317, MCL 418.101 TO 418.941; EXCEPT THAT PAYMENT MAY BE
17 MADE IF AN APPROPRIATE APPLICATION FOR MEDICAL CARE OR THE COST
18 OF THE MEDICAL CARE HAS BEEN MADE UNDER THE WORKER'S DISABILITY
19 COMPENSATION ACT OF 1969, 1969 PA 317, MCL 418.101 TO 418.941,
20 ENTITLEMENT HAS NOT BEEN FINALLY DETERMINED, AND AN ARRANGEMENT
21 SATISFACTORY TO THE DEPARTMENT OF COMMUNITY HEALTH HAS BEEN MADE
22 FOR REIMBURSEMENT IF THE CLAIM IS FINALLY SUSTAINED.

23 Enacting section 1. This amendatory act does not take
24 effect unless all of the following bills of the 91st Legislature
25 are enacted into law:

26 (a) Senate Bill No. _____ or House Bill No. 4817 (request
27 no. 00899'01 *).

1 (b) Senate Bill No. _____ or House Bill No. 4816 (request
2 no. 03547'01).