

HR 938

Medicaid Third Party Liability Act

Congress: 115 (2017–2019, Ended)

Chamber: House

Policy Area: Health

Introduced: Feb 7, 2017

Current Status: Referred to the Subcommittee on Health.

Latest Action: Referred to the Subcommittee on Health. (Feb 10, 2017)

Official Text: <https://www.congress.gov/bill/115th-congress/house-bill/938>

Sponsor

Name: Rep. Burgess, Michael C. [R-TX-26]

Party: Republican • **State:** TX • **Chamber:** House

Cosponsors (2 total)

| Cosponsor | Party / State | Role | Date Joined |
|------------------------------|---------------|------|--------------|
| Rep. Flores, Bill [R-TX-17] | R · TX | | Feb 7, 2017 |
| Rep. Guthrie, Brett [R-KY-2] | R · KY | | Feb 14, 2017 |

Committee Activity

| Committee | Chamber | Activity | Date |
|-------------------------------|---------|-------------|--------------|
| Energy and Commerce Committee | House | Referred to | Feb 10, 2017 |

Subjects & Policy Tags

Policy Area:

Health

Related Bills

| Bill | Relationship | Last Action |
|-------------|--------------|---|
| 115 S 2027 | Related bill | Oct 26, 2017: Read twice and referred to the Committee on Finance. |
| 115 HR 3921 | Related bill | Oct 23, 2017: Placed on the Union Calendar, Calendar No. 263. |

Medicaid Third Party Liability Act

This bill alters provisions related to third-party liability for medical assistance paid under the Medicaid program. Specifically, with respect to such liability, the bill:

- expands the definition of "responsible third party" to include, among other health insurers, the TRICARE program;
- eliminates special rules with respect to certain services provided to children;
- requires the inclusion, in a contract between a state Medicaid program and a health insurer, of certain information regarding whether the state is delegating or transferring to the insurer a right of third-party recovery;
- provides for the treatment as overpayment of reimbursements made by a responsible third party to a health insurer;
- disallows a responsible third party from denying a state's claim solely on the basis of a failure to obtain a prior authorization;
- imposes a timeline for a responsible third party to respond to a state's inquiry regarding a claim for payment;
- provides for reductions to a state Medicaid program's federal matching rate if the state fails to comply with third-party insurance requirements; and
- modifies other provisions related to third-party liability under the Medicaid program.

Third-party liability requirements applicable under Medicaid shall also apply under the Children's Health Insurance Program (CHIP).

The Centers for Medicare & Medicaid Services must:

- publish on its website, and annually update, best practices for assessing third-party liability;
- monitor and analyze efforts to assess that liability;
- in consultation with states, develop and make available a model uniform reporting field for identifying information related to responsible third parties; and
- provide other specified information and guidance to states.

Actions Timeline

- **Feb 10, 2017:** Referred to the Subcommittee on Health.
- **Feb 7, 2017:** Introduced in House
- **Feb 7, 2017:** Referred to the House Committee on Energy and Commerce.