

## 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**

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- **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.