

ACT 50

H.B. NO. 634

A Bill for an Act Relating to Medical Assistance Recovery.

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

SECTION 1. The legislature finds that there is a need to expand the scope of the notice requirements of section 346-37, Hawaii Revised Statutes, to require that all parties make reasonable inquiry as to whether a claimant has received or is receiving medical assistance and give timely written notice of any claim or action to the department of human services.

SECTION 2. Section 346-37, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

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“(e) An attorney representing a claimant or third person shall make reasonable inquiry as to whether the claimant has received or is receiving from the department medical assistance related to the incident involved in the action. If the claimant, claimant’s attorney, or claimant’s heirs, representatives, or beneficiaries, or any third person have received from the department actual notice of its right to reimbursement or if they have reason to know that the claimant has received or is receiving from the department medical assistance related to the incident, then the claimant, claimant’s attorney, [or] claimant’s heirs, representatives, or beneficiaries, or third person or third person’s attorney shall give to the department timely written notice of any claim or action against a third person. At any time during the pendency of any claim or action, the claimant, claimant’s attorney if represented, [or] claimant’s heirs, representatives, or beneficiaries, or third person or third person’s attorney may contact the department to ascertain the full amount of the costs of medical assistance or burial payment made, which information shall be provided in a reasonable time by the department. Upon obtaining a judgment or reaching a settlement through negotiation or legal proceedings, but before the release of any award or settlement proceeds to any person:

- (1) The claimant’s attorney¹ or third person or third person’s attorney, if the attorney has received actual notice from the department of a lien or if the attorney or third person has reason to know that a lien exists; or
- (2) The claimant or the claimant’s heirs, representatives, or beneficiaries, if not represented by an attorney who has received actual notice of the lien,

shall notify the department immediately in order to ascertain and pay the full amount of the costs of medical assistance or burial payment made.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved April 26, 2001.)

Note

1. Prior to amendment “,” appeared here.