

1 SENATE BILL 363

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Nancy Rodriguez

5  
6  
7  
8  
9  
10 AN ACT

11 RELATING TO PUBLIC ASSISTANCE; REQUIRING THE SECRETARY OF HUMAN  
12 SERVICES TO PROVIDE FOR RECOVERY OF RECIPIENT MEDICAL COSTS  
13 FROM RECIPIENT THIRD-PARTY PAYMENTS; PROVIDING FOR REPORTING  
14 AND THIRD-PARTY SUITS TO COMPEL.

15  
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. A new section of the Public Assistance Act is  
18 enacted to read:

19 "[NEW MATERIAL] MEDICAL ASSISTANCE--THIRD-PARTY PAYMENT  
20 RECOVERY--REPORTING--THIRD-PARTY SUITS TO COMPEL.--

21 A. The secretary shall ensure that, in order to  
22 recover the costs of medical care provided to recipients  
23 through the state's medical assistance program, the department:

24 (1) receives assignment from each recipient of  
25 any payment by a third party to cover the costs of that medical

.206507.2

underscored material = new  
[bracketed material] = delete

underscoring material = new  
~~[bracketed material]~~ = delete

1 care; and

2 (2) seeks to collect each third-party payment  
3 owed to the department.

4 B. By November 1, 2017, the secretary shall report  
5 the department's efforts to enforce the department's right to  
6 recover medical assistance costs through assignment of  
7 recipients' third-party payments for recipients' medical care.

8 C. If the department fails to comply with the  
9 provisions of Subsection A of this section, any resident of the  
10 state shall have standing to bring suit to compel compliance  
11 with the provisions of this section. Nothing in this section  
12 shall be construed to allow any recovery against the department  
13 or any other governmental entity for any damages resulting from  
14 the department's failure to adhere to the provisions of this  
15 section."

16 - 2 -