

SENATE BILL 3087

By Burchett

AN ACT to amend Tennessee Code Annotated, Title 71, Chapter 5, Part 1, relative to subrogation in the medical assistance program.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 71-5-117(g), is amended by deleting the following language:

the state or any entity acting pursuant to subsection (f), in order to determine if the state has a subrogation interest. The plaintiff's attorney shall then inform the court regarding the results of such attorney's contact with the state.

and by substituting instead the following language:

the designee of the commissioner of finance and administration in the bureau of TennCare who shall be responsible for determining the subrogation interest and informing the plaintiff's attorney of such interest within thirty (30) days. The designee shall calculate the amount which the state would accept in that case to satisfy the state's interest. The plaintiff's attorney shall then inform the court regarding the results of such attorney's contact with the bureau of TennCare.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.