

Introduced: 1/23/85
Referred: State Affairs, Health, Education
& Social Services and Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 91

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to recovery of medical assistance
7 expenses; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 47.05 is amended by adding a new section to read:

10 Sec. 47.05.070. SUBROGATION. (a) If the department provides or
11 pays for medical assistance for injury or illness under this title,
12 the department is subrogated to the rights of the recipient of that
13 medical assistance for any claim arising from the injury or illness
14 and to the proceeds of an insurance policy covering the injury or
15 illness to the extent of the value of the medical assistance provided.

16 (b) If a recipient of medical assistance under this title set-
17 tles a claim or obtains an award or judgment arising from the injury
18 or illness for which the medical assistance was received, the depart-
19 ment shall reimburse the recipient for attorney fees and costs commen-
20 surate with the amount of the settlement, award, or judgment to which
21 the department is entitled under (a) of this section. Regardless of
22 the manner in which the amount of the attorney fees is derived, reim-
23 bursement of attorney fees must be in accordance with the applicable
24 rules of court governing the award of attorney fees in civil matters.

25 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
26 10.070(c).