

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

John D. Keenan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to Conform Private with Public Subrogation Policy.

PETITION OF:

NAME:

John D. Keenan

DISTRICT/ADDRESS:

7th Essex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO CONFORM PRIVATE WITH PUBLIC SUBROGATION POLICY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 111 of the General Laws is hereby amended by inserting the following Section 70D ½:

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3 Notwithstanding the provisions of Section 70A through 70D of this Chapter, and notwithstanding any
4 contractual term to the contrary, no health maintenance organization or group or individual medical
5 insurer or disability insurer which has provided benefits for covered services to a person insured in an
6 accident shall have a lien or right of reimbursement or subrogation claim or claims of recoupment no
7 matter how designated upon any recovery or sum had or collected or to be collected, whether by
8 judgment or by settlement or compromise from another person as damages on account of such injuries,
9 for more than the proportionate share of said recovery or sum subject to its lien, right or
10 reimbursement, subrogation claim or claims of recoupment which the amount of benefits so provided
11 for covered services bears to the complete value of the injured person's tort damages.

12 Either the entity which provided benefits or the injured person may petition the court in which the
13 accident case is pending, or in a court in which such case could be properly filed had settlement not
14 been attained before commencement of suit, for a determination of the reasonableness of the
15 settlement and the fair allocation of amounts payable thereunder. A hearing on such petition shall
16 adhere to the same procedural requirement as are provided in Section 15 of chapter 152 of the General
17 Laws.

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