

By Representative Geller

1 A bill to be entitled
2 An act relating to Medicaid; amending s.
3 409.910, F.S.; limits to tobacco companies the
4 third parties against whom the Agency for
5 Health Care Administration has a cause of
6 action to recover medical assistance provided
7 by Medicaid; providing an effective date.

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9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Paragraph (a) of subsection (6) of section
12 409.910, Florida Statutes, 1996 Supplement, is amended to
13 read:

14 409.910 Responsibility for payments on behalf of
15 Medicaid-eligible persons when other parties are liable.--

16 (6) When the department provides, pays for, or becomes
17 liable for medical care under the Medicaid program, it has the
18 following rights, as to which the department may assert
19 independent principles of law, which shall nevertheless be
20 construed together to provide the greatest recovery from
21 third-party benefits:

22 (a) The agency has a cause of action against a liable
23 tobacco company ~~third party~~ to recover the full amount of
24 medical assistance for tobacco-related illness provided by
25 Medicaid, and such cause of action is independent of any
26 rights or causes of action of the recipient.

27 Section 2. This act shall take effect upon becoming a
28 law.

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SENATE SUMMARY

Limits to tobacco companies the third parties against whom the Agency for Health Care Administration has a cause of action to recover medical assistance paid under Medicaid.