

***** Effective 01/01/2006 United States Congress passed a law that strengthened State Medicaid Agencies the right to recover from liable parties. *****

(c) EFFECTIVE DATE: - Except as provided in section 6035(e), the amendments made by this section take effect on January 1, 2006.

SEC. 6035. ENHANCING THIRD PARTY IDENTIFICATION AND PAYMENT.

CLARIFICATION OF THIRD PARTIES LEGALLY RESPONSIBLE FOR PAYMENT OF A CLAIM FOR A HEALTH CARE ITEM OR SERVICE - Section 1902 (a)(25) of the Social Security Act (42 U>S>C> 1396a(a)(25)) is amended—as follows:

- (ii) accept the State's right of recovery and the assignment to the State of any right of an individual or other entity to payment from the party for an item or service for which payment has been made under the State plan;
- (iii) respond to any inquiry by the State regarding a claim for payment for any health care item or service that is submitted not later than 3 (three) years after the date of the provision of such health care item or service; and
- (iv) **agree not to deny a claim submitted by the State solely on the basis of the date of submission of the claim**, the type or format of the claim form, or a failure to present proper documentation at the point-of-sale that is the basis of the claim **if -**
 - (I) **the claim is submitted by the State within the 3-year period beginning on the date on which the item or service was furnished;** and
 - (II) any action by the State to enforce its rights with respect to such claim is commenced within 6 years of the State's submission of such claim.