

**HOUSE . . . . . No. 952**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Marjorie C. Decker*

*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 adoption of the accompanying bill:

An Act to conform private with public subrogation policy.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/18/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>1/25/2019</i>

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By Ms. Decker of Cambridge, a petition (accompanied by bill, House, No. 952) of Marjorie C. Decker and James K. Hawkins for legislation to prevent medical bills from eroding an injury victim’s compensation received through a settlement or court award. Financial Services.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 512 OF 2017-2018.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

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 SECTION 1. Chapter 111 of the General Laws, as appearing in the 2016 Official Edition,  
2 is hereby amended at the end of section 70D by inserting the following sentences:-

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

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