

Senate Bill 191

By: Senators Thomas of the 54th, Cheeks of the 23rd, Seabaugh of the 28th, Johnson of the 1st, Gillis of the 20th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated,
2 relating to medical assistance generally, so as to provide for an extension of the deadline for
3 filing claims for medical assistance in those instances when third parties may be legally liable
4 for the medical condition which necessitated the treatment; to provide for related matters; to
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to
9 medical assistance generally, is amended by striking Code Section 49-4-145, relating to time
10 limitations on claims for assistance and form of claims, and inserting in its place the
11 following:

12 "49-4-145.

13 (a) Except as provided in subsection (b) of this Code section, claims ~~Claims~~ for medical
14 assistance must be submitted not more than six months after the month in which the service
15 is rendered and shall be in the form prescribed by the commissioner, except that the
16 commissioner may, where he or she finds that delay in submission of claims was caused
17 by circumstances beyond the control of the provider, extend the period for submission of
18 certain claims for a period not to exceed 12 months after the month in which the service
19 was rendered; provided, however, that such limitations shall not apply to claims timely
20 filed pursuant to Title XVIII of the federal Social Security Act of 1935, as amended, and
21 reimbursements of such claims may be authorized by the department so long as federal
22 financial participation in such reimbursements is available.

23 (b) When medical care is rendered by a medical assistance provider to a medical assistance
24 recipient for care necessitated as a result of an accident, illness, or disability that arises
25 under circumstances such that a third party may be legally liable for the injuries or illness
26 that necessitated such medical treatment, the deadline for filing claims for medical

1 assistance shall be extended to allow such provider to recover the cost of the care from the
2 at fault third party. In those instances where third parties may be legally liable for the
3 medical condition which necessitated such treatment, the provider may withhold the filing
4 of a claim for medical assistance until the earlier of:

5 (1) Ninety days from the date of the provider's receipt of a denial from the third party
6 or other determination by the provider that the third party is not legally liable for the
7 medical condition that necessitated the medical treatment provided to the recipient;

8 (2) Ninety days from the date of the provider's receipt of partial payment from the at
9 fault third party; or

10 (3) The end of the twenty-fourth month after the month in which the service is rendered."

11 **SECTION 2.**

12 All laws and parts of laws in conflict with this Act are repealed.