

**26-19-6 Action by department -- Notice to recipient.**

- (1)
- (a) Within 30 days after commencing an action under Subsection 26-19-5(3), the department shall give the recipient, his guardian, personal representative, trustee, estate, or survivor, whichever is appropriate, written notice of the action by:
    - (i) personal service or certified mail to the last known address of the person receiving the notice; or
    - (ii) if no last-known address is available, by publishing a notice:
      - (A) once a week for three successive weeks in a newspaper of general circulation in the county where the recipient resides; and
      - (B) in accordance with Section 45-1-101 for three weeks.
  - (b) Proof of service shall be filed in the action.
  - (c) The recipient may intervene in the department's action at any time before trial.
- (2) The notice required by Subsection (1) shall name the court in which the action is commenced and advise the recipient of:
- (a) the right to intervene in the proceeding;
  - (b) the right to obtain a private attorney; and
  - (c) the department's right to recover medical assistance directly from the third party.

Amended by Chapter 388, 2009 General Session