

H.B. 389

MEDICAID RECOVERY AMENDMENTS

HOUSE COMMITTEE AMENDMENTS

AMENDMENT 1

FEBRUARY 28, 2021 8:39 PM

Representative **Kera Birkeland** proposes the following amendments:

1. *Page 1, Lines 9 through 16:*

9 This bill addresses recovery of Medicaid funds from ~~{a parent whose child is injured in~~
10 ~~foster care}~~ certain third party obligors .

11 Highlighted Provisions:

12 This bill:

13 ▶ prohibits the Department of Health from recovering Medicaid funds from a ~~{parent~~
14 ~~whose child suffers certain injuries in foster care if the foster parent a third party is obligated to~~
15 ~~pay for the injuries}~~ third party obligor that is required to pay for injuries to a child in foster
care ; and

16 ▶ makes technical and conforming changes.

2. *Page 3, Lines 59 through 64:*

59 (c) The department may not recover medical assistance under Subsection (1)(a) if:

60 (i) the third party ~~{is a foster parent who}~~ is obligated to pay the recipient for an injury to
61 the recipient's child that occurred while the child was in the ~~{legal}~~ physical custody of
~~{the}~~ a foster parent;

62 and

63 (ii) the child's injury is a physical or mental impairment that requires ongoing medical
64 attention, or limits activities of daily living, for at least one year.