

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 1312
SENATE BILL 940

AN ACT TO AMEND G.S. 108-61.2 AND G.S. 108-61.4 RELATING TO SUBROGATION AND ASSIGNMENT RIGHTS UNDER THE MEDICAL ASSISTANCE PROGRAM AND, FURTHER, TO GIVE PRIORITY TO THE STATE AS TO THOSE RIGHTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 108-61.2(a), as the same appears in Part I, Volume 3A of the General Statutes, is hereby amended by deleting the first sentence thereof and substituting therefor the following sentence:

"Notwithstanding any other provisions of the law, to the extent of payments under this Part, the State, or the county providing medical assistance benefits, shall be subrogated to all rights of recovery, contractual or otherwise, of the beneficiary of such assistance, or of his personal representative, his heirs, or the administrator or executor of his estate, against any person."

Sec. 2. G.S. 108-61.2(a) is hereby further amended by deleting the second sentence thereof and substituting therefor the following sentence:

"It shall be the responsibility of the county attorney or an attorney retained by the county and/or the State to enforce this section, and said attorney shall be compensated for his services in accordance with the attorneys' fee arrangements approved by the Department of Human Resources."

Sec. 3. G.S. 108-61.4, as the same appears in Part I, Volume 3A of the General Statutes, is hereby amended by deleting from the catch line the word "insurance".

Sec. 4. G.S. 108-61.4(a), as the same appears in Part I, Volume 3A of the General Statutes, is hereby amended by deleting the first sentence thereof and substituting therefor the following sentence:

"Notwithstanding any other provisions of the law, by accepting medical assistance, the recipient shall be deemed to have made an assignment to the State of the right to third party benefits, contractual or otherwise, to which he may be entitled."

Sec. 5. G.S. 108-61.4(a) is hereby further amended by adding a new sentence at the end thereof to read as follows:

"It shall be the responsibility of the county attorney of the county from which the medical assistance benefits are received or an attorney retained by that county and/or the State to enforce this subsection, and said attorney shall be compensated for his services in accordance with the attorneys' fee arrangements approved by the Department of Human Resources."

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.