

Assembly Joint Resolution

No. 42

Introduced by Assembly Member Solorio

May 28, 2010

Assembly Joint Resolution No. 42—Relative to the Medicare Secondary Payer Enhancement Act of 2010.

LEGISLATIVE COUNSEL'S DIGEST

AJR 42, as introduced, Solorio. Medicare Secondary Payer Enhancement Act of 2010.

This measure would request that the Congress and the President of the United States enact the Medicare Secondary Payer Enhancement Act of 2010.

Fiscal committee: no.

1 WHEREAS, The federal Medicare secondary payer law (42
2 U.S.C. Sec. 1395y(b)) is an important law designed to protect the
3 Medicare Trust Fund and ensure that Medicare pays only for
4 medical expenses for which it is responsible; and

5 WHEREAS, California residents who are eligible for the
6 Medicare Program periodically seek compensation for personal
7 injuries that are the liability of other parties and seek benefits
8 through California's workers' compensation system; and

9 WHEREAS, California is periodically found liable for industrial
10 injuries to individuals who are eligible for the Medicare Program
11 and, as an employer, California pays benefits to those injured
12 individuals under the workers' compensation system; and

13 WHEREAS, The way the Medicare secondary payer law is
14 currently being administered with respect to claims involving

1 individuals who are eligible for the Medicare Program has caused
2 considerable delay and unfairness in the settlement of those claims;
3 and

4 WHEREAS, The delays in the settlement of claims and the
5 uncertainty of the scope of the responsibility of the Medicare
6 Program as the secondary payer has increased settlement costs;
7 and

8 WHEREAS, The delay and uncertainty caused by the Medicare
9 secondary payer law has increased costs to the state and to local
10 jurisdictions; and

11 WHEREAS, The federal Medicare Secondary Payer
12 Enhancement Act of 2010 (H.R. 4796) has been introduced by
13 Congress, has bipartisan support, and is supported by a broad
14 spectrum of organizations with an interest in ensuring that the
15 Medicare secondary payer law is administered fairly and efficiently
16 to the benefit of the Medicare Trust Fund and individuals and
17 payers who have an interest in the prompt settlement of claims for
18 damages or benefits; now, therefore, be it

19 *Resolved by the Assembly and the Senate of the State of*
20 *California, jointly,* That the Legislature respectfully requests that
21 the Congress and the President of the United States enact the
22 federal Medicare Secondary Payer Enhancement Act of 2010 (H.R.
23 4796); and be it further

24 *Resolved,* That the Chief Clerk of the Assembly transmit copies
25 of this resolution to the President and Vice President of the United
26 States, to the Speaker of the House of Representatives, to the
27 Majority Leader of the Senate, and to each Senator and
28 Representative from California in the Congress of the United
29 States.

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