

AMENDED IN ASSEMBLY JUNE 24, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

Assembly Joint Resolution

No. 42

Introduced by Assembly Member Solorio

(Coauthors: Assembly Members Adams, Ammiano, Anderson, Beall, Bill Berryhill, Blakeslee, Block, Blumenfield, Bradford, Brownley, Buchanan, Caballero, Charles Calderon, Carter, Chesbro, Cook, Coto, Davis, De La Torre, De León, DeVore, Eng, Evans, Feuer, Fletcher, Fong, Fuentes, Gaines, Galgiani, Garrick, Gilmore, Hagman, Hall, Hayashi, Hernandez, Hill, Huber, Huffman, Jones, Lieu, Logue, Bonnie Lowenthal, Ma, Mendoza, Miller, Nava, Nestande, Nielsen, John A. Pérez, V. Manuel Pérez, Portantino, Ruskin, Salas, Saldaña, Skinner, Audra Strickland, Swanson, Torlakson, Torres, Torrico, Tran, Villines, and Yamada)

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 amended, 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

1 Medicare Trust Fund and ensure that Medicare pays only for
2 medical expenses for which it is responsible; and

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

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

11 WHEREAS, The way the Medicare secondary payer law is
12 currently being administered with respect to claims involving
13 individuals who are eligible for the Medicare Program has caused
14 considerable delay and unfairness in the settlement of those claims;
15 and

16 WHEREAS, The delays in the settlement of claims and the
17 uncertainty of the scope of the responsibility of the Medicare
18 Program as the secondary payer has increased settlement costs;
19 and

20 WHEREAS, The delay and uncertainty caused by the Medicare
21 secondary payer law has increased costs to the state and to local
22 jurisdictions; and

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

31 *Resolved by the Assembly and the Senate of the State of*
32 *California, jointly*, That the Legislature respectfully requests that
33 the Congress and the President of the United States enact the
34 federal Medicare Secondary Payer Enhancement Act of 2010 (H.R.
35 4796); and be it further

36 *Resolved*, That the Chief Clerk of the Assembly transmit copies
37 of this resolution to the President and Vice President of the United
38 States, to the Speaker of the House of Representatives, to the
39 Majority Leader of the Senate, and to each Senator and

- 1 Representative from California in the Congress of the United
- 2 States.

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