

## **Assembly Joint Resolution No. 42**

### **RESOLUTION CHAPTER 92**

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

[Filed with Secretary of State August 17, 2010.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AJR 42, 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.

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

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

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

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

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

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

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

*Resolved by the Assembly and the Senate of the State of California, jointly,*  
That the Legislature respectfully requests that the Congress and the President

of the United States enact the federal Medicare Secondary Payer Enhancement Act of 2010 (H.R. 4796); and be it further

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