AN ACT

ENTITLED, An Act to revise certain provisions regarding the reimbursement for medical assistance made by certain insurers to the state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 58-12-23 be amended to read as follows:

58-12-23. Notwithstanding any provision of a policy, plan, contract, or certificate, an insurer shall recognize that an application for medical assistance or acceptance of medical assistance, paid by the Department of Social Services operates as a release of any information kept by the insurer that would facilitate efficient coordination of benefits between the department and the insurer, which may include:

(1) The name, address, date of birth, social security number if available, and unique health care identification number of the covered individual;

(2) The name, address, date of birth, social security number if available, policy number, group identification number of the policyholder, sponsor, or subscriber;

(3) The name and address of the employer if it is an employer-employee benefit plan; types of services covered under the plan or policy; and the name and address of the claims administrator for the policy or plan;

(4) Previously paid benefits including the name and address of the payee; and

(5) The name and address of claims processing or administration centers, or both.

Upon written request by the department, the insurer shall provide the requested information in writing within thirty calendar days of receipt of the request.

Section 2. That § 58-12-24 be amended to read as follows:

58-12-24. Notwithstanding any provision of a policy, plan, contract, or certificate, no insurer may refuse to reimburse the Department of Social Services for medical assistance paid by the department

on the basis of the date of submission of the claim, the type or format of the claim form, or a failure to present proper documentation at the point-of-sale for which reimbursement is sought, if the claim is submitted within three years from the date the item or service was furnished and any action by the department to enforce its rights with respect to such claim is commenced within six years of the department's submission of such claim.

Section 3. That § 58-12-26 be amended to read as follows:

58-12-26. For the purposes of §§ 58-12-22 to 58-12-29, inclusive, the term, insurer, means:

(1) Any commercial insurance company, employer-employee benefit plan, health maintenance organization, professional association, service benefit plan, public self-funded employer or pool, union, or fraternal group selling or otherwise offering individual or group health insurance coverage including self-insured and self-funded plans;

(2) Any profit or nonprofit prepaid plan offering either medical services of full or partial payment for services included in the department's medicaid plan;

(3) Any other entity offering health benefits for which a medicaid recipient may be eligible in addition to public medical assistance;

(4) Any managed care organization, third-party administrator, pharmacy benefits manager, or other entity which processes claims, administers services, or otherwise manages health benefits on behalf of any of the aforementioned insurers; or

(5) Any other party that is by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service including workers' compensation, automobile insurance, and liability insurance plans.

Section 4. That § 58-12-29 be repealed.

An Act to revise certain provisions regarding the reimbursement for medical assistance made by certain insurers to the state.

I certify that the attached Act originated in the

SENATE as Bill No. 65

_____
Secretary of the Senate

_____
President of the Senate

Attest:

_____
Secretary of the Senate

_____
Speaker of the House

Attest:

_____
Chief Clerk

Senate Bill No. 65
File No. ____
Chapter No. _____

Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby approved this _____ day of _____ , A.D., 20___

_____
Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20___
at _____ o'clock __ M.

_____
Secretary of State

By _____
Asst. Secretary of State