STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Earl Ray Tomblin
Governor

Bureau for Medical Services
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Karen Bowling
Cabinet Secretary

MEMORANDUM

TO: ALL INTERESTED PARTIES

FROM: Alva Page III, General Counsel, Bureau for Medical Services

DATE: July 9, 2013

RE: H.B. 2512

As you may know, H.B. 2512 passed on April 12, 2013, and becomes effective ninety days after passage or on July 11, 2013. This memo addresses the bills notice requirements to the Department of Health and Human Resources ("Department") for claims and civil actions. Specifically the bill provides:

> A recipient's legal representative shall provide notice to the department within 60 days of asserting a claim against a third party. If the claim is asserted in a formal civil action, the recipient's legal representative shall notify the department within 60 days of service of the complaint and summons upon the third party by causing a copy of the summons and a copy of the complaint to be served on the department as though it were named a party defendant.
>
> If the recipient has no legal representative and the third party knows or reasonably should know that a recipient has no representation then the third party shall provide notice to the department within sixty days of receipt of a claim or within thirty days of receipt of information or documentation reflecting the recipient is receiving Medicaid benefits, whichever is later in time.
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> *W. VA. Code §9-5-11(c)(1)&(2)*

The bill defines Department as the West Virginia Department of Health and Human Resources, or its contracted designee. Currently, the Bureau for Medical Services ("Bureau") has a contract with Health Management Systems ("HMS") to handle subrogation matters.

Accordingly, for purposes of compliance with HB2512, the Department is requesting that all notices be submitted to:

Health Management Services
405 Capitol Street, Suite 503
Charleston, West Virginia 25301

Or it may be faxed to HMS at 1-877-757-7261

Further, for clarity purposes the notice should include:

A medical authorization release signed by the recipient;
The recipient's name, Social Security number and/or Medicaid ID#;
Date of Incident;
Type of Incident: (i.e. Auto Accident, Slip and Fall, Medical Malpractice); and
Description of Injuries: (i.e. Cervical, back, head, etc.).

Once the Department (HMS) receives the notice, within thirty (30) days the Department (HMS) will provide the recipient or their legal representative with the amount of the purported subrogation lien.

Should any issues or concerns arise with this process please do not hesitate to contact Alva Page III, General Counsel for the Bureau for Medical Services at (304)356-4931 or at Alva.F.Page@wv.gov.