



FAX COVER

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TO:

FROM: Rep. Tim Murphy

DATE: July 31, 2009

Re: Limitation on Subrogation

FAX NUMBER: (412) 650-5321

PAGES (INCLUDING THIS ONE): 3

Dear Paul,

I would like to hear your thoughts on the attached amendment dealing with limitations on subrogation that will likely be considered during the healthcare reform debate.

Feel free contact myself or my staffer, Brad Grantz who can be reached on his cell phone at 412-478-4197 or email at brad.grantz@mail.house.gov.

Sincerely,

Tim Murphy
Member of Congress

Thurs 7/30
9:28 pm
A

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**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3200
OFFERED BY MR. BARROW OF GEORGIA AND MR.
BRALEY OF IOWA**

(AINS-EC_001)

Add at the end of subtitle D of title I of division A
the following new section:

1 **SEC. 138. LIMITATIONS ON SUBROGATION.**

2 (a) IN GENERAL.—With respect to any qualified
3 health benefits plan requiring an enrollee to reimburse the
4 QHBP offering entity for any amount recovered from any
5 source relating to a personal injury or similar type of
6 claim, subrogation or reimbursement is permitted only if
7 the enrollee has been fully compensated for all damages
8 arising out of such claim. Any plan provision to the con-
9 trary is not enforceable. Insofar as subrogation or reim-
10 bursement of benefits is permitted, the subrogation or re-
11 imbursement amount shall not exceed the amount allo-
12 cated to the categories of damages for those benefits in
13 the settlement or judgment, less a pro rata share of any
14 fees and expenses incurred in securing the settlement or
15 judgment.

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1 (b) NO WITHHOLDING.— No QHBP offering entity
2 shall be entitled to withhold or reduce benefits as a means
3 of enforcing a claim for reimbursement or subrogation.

4 (c) COORDINATION.—No QHBP offering entity—

5 (1) shall disallow any plan benefits otherwise
6 available because of the existence of a potential per-
7 sonal injury or similar type of claim, or the resolu-
8 tion of a personal injury or similar type of claim; or

9 (2) shall deny to an enrollee the coordination of
10 benefits between the plan and insurance policies.

