

I-200 ASSIGNMENT OF THIRD PARTY RIGHTS**I-210 REQUIREMENT**

As a condition of eligibility, the agency requires legally able applicants and enrollees assign rights to medical support and to payment for medical care from any third party.

Exception:

Parents are not required to establish paternity or pursue medical support if they are receiving time-limited period of Transitional Medicaid (TMA) coverage.

By accepting Medicaid, each applicant/enrollee shall be deemed to have made an assignment to the agency of rights to any third party benefits. This is called the automatic assignment of rights. These third party benefits include:

- Any hospitalization, accident, medical, or health benefits owed to the applicant/enrollee; and
- Rights to such benefits owed by any third party to the applicant/enrollee's children (or any other person for whom the applicant/enrollee has legal authority to execute such an assignment).

As a condition of eligibility, the agency requires legally able applicants to attest that they will cooperate in identifying and providing information to assist the Medicaid agency in pursuing third parties who may be liable to pay for care and services under the plan, unless the individual establishes good cause for not cooperating.

In the case of enrollees, as a condition of eligibility, the enrollee must cooperate with the agency in:

- Establishing the identity of a child's parents and in obtaining medical support and payments, unless the individual establishes good cause for not cooperating or is a pregnant woman; and
- Identifying and providing information to assist the Medicaid agency in pursuing third parties who may be liable to pay for care and services under the plan, unless the individual establishes good cause for not cooperating.

The applicant/enrollee (or responsible party for a minor) is ineligible for Medicaid if they refuse to cooperate in pursuing third party benefits, except when "good cause" exists.

If good cause (for not cooperating in the pursuit of third party benefits) does exist, the agency has the right to pursue the third party benefits (without the assistance of the applicant/enrollee) if it does not result in harm to:

- The applicant/enrollee,
- Their child(ren); or
- Any other person for whom the applicant/enrollee has legal authority to execute such an assignment.

Exception:

Medicaid shall be provided to any applicant/enrollee who:

- Cannot legally assign their own rights, such as a minor child; and
- Would otherwise be eligible for Medicaid except that the person who has the legal authority to assign their rights has refused.

I-211 AUTOMATIC ASSIGNMENT

Although Louisiana state law makes the assignment automatic, the applicant/enrollee must be informed.

I-211.1 Non-SSI Applicant/Enrollee

The applicant/enrollee's signature on the application and/or renewal form acknowledges the automatic assignment of all third party rights.

I-211.2 SSI Applicant/Enrollee

Social Security Administration (SSA) determines eligibility of an applicant/enrollee for Supplemental Security Income (SSI).

SSA gives an oral explanation to all applicants of assignment of third party rights and advises that it is a condition of eligibility for Medicaid.

The explanation also advises that the enrollee must cooperate with the Medicaid Program in:

- Establishing paternity,
- Obtaining medical support payments from third party payers; and
- Identifying and providing information to assist the Medicaid Program in pursuing any liable third party.

For initial determinations and renewals, SSA provides a code and date indicator through the – State Data Exchange (SDX) to specify whether the applicant/enrollee assigned rights and whether the individual has cooperated in identifying and providing third party information.

Specific codes for non-assignment of rights and cooperation are forwarded to the Medicaid Program.

I-212 COOPERATION

Establishing Paternity and Obtaining Support

Once enrolled, the enrollee is required to cooperate in:

- Establishing paternity of a child born out of wedlock for whom the individual can legally assign rights, and
- Obtaining medical support and medical payments for applicant/enrollee as well as for any other person for whom the individual can legally assign third party rights.

Note:

Refer to [I-2000, Support Enforcement Services](#).

Identifying and Providing Third Party Information

Each applicant/enrollee is required to cooperate in identifying and providing information to assist in pursuing any third party that may be liable to pay for care and services available under the Medicaid Program.

Applicants/enrollees are not required to pursue collections themselves. Pursuit is the responsibility of the provider or the Medicaid Program.

Cooperation may require the applicant/enrollee to:

- Appear at a designated office to provide information or evidence relevant to the case;
- Appear as a witness at a court or other proceeding;
- Identify liable third parties and provide information, or attest to lack of information, under penalty of perjury;
- Pay to the Medicaid Program any medical support or any other funds received/covered by the assignment of third party rights; and
- Take any other reasonable steps to assist in establishing paternity and securing medical support and payments.

I-212.1 Good Cause for Non-Cooperation

The cooperation requirement may be waived.

“Good Cause” exists when cooperation is not in the best interest of the applicant/enrollee, child, or any other person.

Accept as good cause a statement or expression by the individual that there is a real or perceived risk or fear of physical or emotional harm if they cooperate.

Accept as good cause for not cooperating any indication that cooperation with Support Enforcement Services (SES) will have a negative effect on the applicant’s/enrollee’s or the children’s relationship with the absent parent.

For MAGI-related cases, determine whether good cause for non-cooperation with SES exists based on policy [I-2000 Support Enforcement Services \(SES\)](#).

Exceptions:

A pregnant woman applying for/receiving Medicaid is not required to cooperate with SES as a condition of her eligibility. Pregnancy is always considered a good cause. Refer to [I-2010.1 Pregnant Woman \(With or Without Minor Child\)](#).

An applicant who has no children in the home has good cause for not cooperating. Refer to [I-2010.3 Adult Only Applications](#).

Good cause for not cooperating is determined with supervisory approval by the Medicaid analyst, not by SES.

Separate determinations of good cause may be required in the same case (for example, cases involving several children with different parents).

I-212.2 Informing the Applicant/Enrollee of Good Cause Provisions

Applicants/Enrollees are informed at application and renewal of the right to claim good cause and that an investigation is required to determine whether good cause exists.

I-212.3 Establishing Good Cause

Good cause may be established if one or more of the following criteria are met:

- Pregnancy;
- There is an existing claim of family violence in the Louisiana Automated Support Enforcement Service (LASES) system;
- The person for whom support is sought was conceived as the result of incest or rape;
- Legal proceedings for adoption are pending, or
- Cooperation can be reasonably anticipated to result in:
 - Physical or emotional harm to the applicant/enrollee or other person for whom the applicant/enrollee has authority to assign rights for third party liability (TPL); or
 - Physical or emotional harm to the person who has responsibility for cooperating.

Example:

A husband in another state carries medical insurance on his wife who is certified for the Medicaid Program.

It has been documented that he is dangerous and abusive, and the applicant/enrollee does not want him to locate her.

If claims are filed on his insurance, he may learn her whereabouts. Therefore, she has good cause for non-cooperation in pursuing third party benefits from her husband.

She must still assign third party rights to all third party benefits, including his.

There are no children in the home.

I-220 VERIFICATION

The applicant/enrollee's signature on the application form acknowledges the automatic assignment of all third party rights.

The application informs the applicant/enrollee that:

- It is a requirement to cooperate with the agency that collects medical support from an absent parent;
- It should be reported to Medicaid if cooperating to collect medical support could cause harm to the applicant/enrollee or the children; and
- If good cause is met, the applicant/enrollee may not be required to cooperate.

Accept as "good cause" a statement or expression by the applicant/enrollee that there is a real or perceived risk or fear of physical or emotional harm if the applicant/enrollee cooperate.

Any indication that cooperation with SES will have a negative effect on his/her or the children's relationship with the absent parent should be accepted as good cause for not cooperating.

A good cause claim based on pending legal proceedings for the adoption of the child shall be verified by court documents or other records.

In addition to the specific evidence listed above, the agency representative may accept statements from persons other than the applicant/enrollee who have knowledge of the circumstances that are the basis for the good cause claim.

I-230 DOCUMENTATION

The applicant/enrollee's signature on the application form serves as documentation of assignment of rights.

Document good cause for non-cooperation in the Enterprise Document Management System (EDMS).