

By Mr. DiMasi of Boston, petition of Salvatore F. DiMasi for legislation to clarify the disposition of settlement proceeds in certain actions. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT TO CLARIFY THE DISPOSITION OF SETTLEMENT PROCEEDS IN CERTAIN ACTIONS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 60G of chapter 231 of the General Laws, as appearing
2 in the 1992 Official Edition, is hereby amended by adding the
3 following subsection:—

4 (f) Notwithstanding the provisions of sections 70A to 70D,
5 inclusive, of chapter 111, in any settlement of a claim brought to
6 recover damages as a result of malpractice, negligence, error,
7 omission, mistake, or the unauthorized rendering of professional
8 services against a provider of health care, no entity which is the
9 source of any collateral payment of benefits subject to the limita-
10 tions of subsection (a) made to or on behalf of the plaintiff, shall
11 recover any amount against the plaintiff, nor shall it be subrogated
12 to the rights of the plaintiff against the defendant, nor shall it
13 have a lien against the plaintiff or anyone else described in
14 sections 70A to 70D, inclusive, of said chapter 111, on account of
15 its said collateral payment, and any lien established pursuant to
16 sections 70A to 70D, inclusive, of said chapter 111, shall be null
17 and void, and unenforceable except for any collateral source
18 whose right of subrogation is based in federal law or for benefits
19 received pursuant to chapter 152.

