

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-Four.

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 fol-
3 lowing 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 have
13 a lien against the plaintiff or anyone else described in sections 70A
14 to 70D, inclusive, of said chapter 111, on account of its said col-
15 lateral payment, and any lien established pursuant to sections 70A
16 to 70D, inclusive, of chapter 111 shall be null and void, and unen-
17 forceable except for any collateral source whose right of subroga-
18 tion is based in federal law or for benefits received pursuant to
19 chapter 152.

The (State) of Kansas, do hereby certify that the following is a true and correct copy of the original as the same appears in the files of the Secretary of State.

The Constitution of the State of Kansas

As amended by the people of the State of Kansas at the general election held on the 15th day of September, 1901.

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 1901.

1. Section 103 of chapter 101 of the Statutes of the State of Kansas, as amended, is hereby amended to read as follows:
2. In the first clause of section 103 of chapter 101 of the Statutes of the State of Kansas, as amended, the words "and the same shall be subject to the provisions of section 104 of chapter 101 of the Statutes of the State of Kansas, as amended," shall be deleted.
3. The following shall be added to section 103 of chapter 101 of the Statutes of the State of Kansas, as amended:
4. "The State shall not grant a license of health, or any other license, to any person who is a resident of the State of Kansas, unless he is a resident of the State of Kansas, and has been a resident of the State of Kansas for at least one year immediately preceding the date of the application for such license."
5. The words "and the same shall be subject to the provisions of section 104 of chapter 101 of the Statutes of the State of Kansas, as amended," shall be deleted from the first clause of section 103 of chapter 101 of the Statutes of the State of Kansas, as amended.
6. The words "and the same shall be subject to the provisions of section 104 of chapter 101 of the Statutes of the State of Kansas, as amended," shall be deleted from the second clause of section 103 of chapter 101 of the Statutes of the State of Kansas, as amended.
7. The words "and the same shall be subject to the provisions of section 104 of chapter 101 of the Statutes of the State of Kansas, as amended," shall be deleted from the third clause of section 103 of chapter 101 of the Statutes of the State of Kansas, as amended.
8. The words "and the same shall be subject to the provisions of section 104 of chapter 101 of the Statutes of the State of Kansas, as amended," shall be deleted from the fourth clause of section 103 of chapter 101 of the Statutes of the State of Kansas, as amended.
9. The words "and the same shall be subject to the provisions of section 104 of chapter 101 of the Statutes of the State of Kansas, as amended," shall be deleted from the fifth clause of section 103 of chapter 101 of the Statutes of the State of Kansas, as amended.
10. The words "and the same shall be subject to the provisions of section 104 of chapter 101 of the Statutes of the State of Kansas, as amended," shall be deleted from the sixth clause of section 103 of chapter 101 of the Statutes of the State of Kansas, as amended.
11. The words "and the same shall be subject to the provisions of section 104 of chapter 101 of the Statutes of the State of Kansas, as amended," shall be deleted from the seventh clause of section 103 of chapter 101 of the Statutes of the State of Kansas, as amended.
12. The words "and the same shall be subject to the provisions of section 104 of chapter 101 of the Statutes of the State of Kansas, as amended," shall be deleted from the eighth clause of section 103 of chapter 101 of the Statutes of the State of Kansas, as amended.
13. The words "and the same shall be subject to the provisions of section 104 of chapter 101 of the Statutes of the State of Kansas, as amended," shall be deleted from the ninth clause of section 103 of chapter 101 of the Statutes of the State of Kansas, as amended.
14. The words "and the same shall be subject to the provisions of section 104 of chapter 101 of the Statutes of the State of Kansas, as amended," shall be deleted from the tenth clause of section 103 of chapter 101 of the Statutes of the State of Kansas, as amended.
15. The words "and the same shall be subject to the provisions of section 104 of chapter 101 of the Statutes of the State of Kansas, as amended," shall be deleted from the eleventh clause of section 103 of chapter 101 of the Statutes of the State of Kansas, as amended.
16. The words "and the same shall be subject to the provisions of section 104 of chapter 101 of the Statutes of the State of Kansas, as amended," shall be deleted from the twelfth clause of section 103 of chapter 101 of the Statutes of the State of Kansas, as amended.
17. The words "and the same shall be subject to the provisions of section 104 of chapter 101 of the Statutes of the State of Kansas, as amended," shall be deleted from the thirteenth clause of section 103 of chapter 101 of the Statutes of the State of Kansas, as amended.
18. The words "and the same shall be subject to the provisions of section 104 of chapter 101 of the Statutes of the State of Kansas, as amended," shall be deleted from the fourteenth clause of section 103 of chapter 101 of the Statutes of the State of Kansas, as amended.
19. The words "and the same shall be subject to the provisions of section 104 of chapter 101 of the Statutes of the State of Kansas, as amended," shall be deleted from the fifteenth clause of section 103 of chapter 101 of the Statutes of the State of Kansas, as amended.