S T A T E O F N E W Y O R K

6990

2011-2012 Regular Sessions

I N A S S E M B L Y

April 7, 2011

Introduced by M. of A. LANCMAN -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to enacting the unfair clawback prohibition act

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Short title. This act shall be known and may be cited as the "unfair clawback prohibition act".

S 2. The civil practice law and rules is amended by adding a new section 1304 to read as follows:

S 1304. JUDGMENTS PROTECTED AGAINST UNFAIR CLAWBACKS. NEITHER THE STATE NOR ITS POLITICAL SUBDIVISIONS MAY SEEK REIMBURSEMENT FOR HEALTH CARE SERVICES RENDERED TO A PERSON FROM MONEY PAID TO SUCH PERSON OR HIS OR HER ESTATE IN SETTLEMENT, OR IN SATISFACTION OF A JUDGMENT, OF A CLAIM MADE BY SUCH PERSON OR ESTATE FOR TORTIOUS CONDUCT ON THE PART OF THE STATE OR SUCH POLITICAL SUBDIVISION.

S 3. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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