

HEALTH CARE COST RECOVERY ACT BECOMES LAW

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In the Fall 2008 issue of *Letter of the Law*, we discussed Bill 22, the *Health Care Cost Recovery Act* without knowing when the bill would become operative law in British Columbia. However, on December 9, 2008, the Lieutenant Governor enacted a regulation stipulating that Bill 22 will take effect on April 1, 2009. The Act's content did not change from its first reading through to the final form that will become law in April.

Put succinctly, the Act allows the Ministry of Health to recover expenses paid to provide a beneficiary (an injured person) with health care relating to injuries caused by a wrongdoer, defined as someone whose negligent acts contribute to a beneficiary's injury or death. The government can either join a lawsuit started by a beneficiary or launch its own independent lawsuit.

The Act imposes obligations on a variety of parties involved in personal injury incidents. Of particular note, it requires insurance companies to notify the Ministry of any potential wrongdoing by their insureds even if no legal action has been commenced.

It also requires a significant degree of cooperation from beneficiaries, including:

- incorporating claims for health-care-cost recovery in their court actions and so notifying the Ministry
- maintaining a lawsuit until they have informed the government they intend to discontinue it
- providing the Ministry with an opportunity to attend a hearing before discontinuing an action
- cooperating with the Ministry and providing it with information regarding the extent and nature of their injuries and treatment
- refraining from settling any claim without first giving the Ministry 21-days' notice—irrespective of whether they have started a lawsuit—and receiving written consent from the government to a settlement.