

House File 736

S-5064

1 Amend House File 736, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. By striking everything after the enacting clause and  
4 inserting:

5 <Section 1. NEW SECTION. **249A.42A Overpayment —**  
6 **subsequent ineligibility of recipient — commencement of action**  
7 **and recovery.**

8 1. Notwithstanding any provision to the contrary, if a  
9 recipient is deemed ineligible for medical assistance following  
10 delivery of care or service by a provider, any administrative  
11 action to recover an overpayment to a provider based solely on  
12 such recipient's ineligibility shall be commenced within one  
13 year of the date the overpayment was incurred.

14 2. In an administrative action to recover an overpayment  
15 brought on the grounds specified in subsection 1, the  
16 department acting as the state Medicaid agency shall reimburse  
17 the provider for any recoupment of an overpayment using  
18 state-only funds for care or services delivered if all of the  
19 following conditions are met:

20 a. The provider verified eligibility through the eligibility  
21 and verification system or the secure web portal of, and  
22 obtained any necessary prior authorization for, the recipient  
23 on whose behalf payment was made to the provider prior to the  
24 delivery of care or service to the recipient.

25 b. The provider documented the eligibility verification  
26 performed and any necessary prior authorization obtained  
27 pursuant to paragraph "a" in a manner and format established by  
28 the department by rule, and retained the required documentation  
29 in the recipient's file.

30 3. The one-year limitation period prescribed under this  
31 section does not apply to recovery of an overpayment to a  
32 provider in an administrative action brought on other grounds.

33 4. For the purposes of this section, "incurred" means the  
34 same as defined in section 249A.42.>

35 2. Title page, by striking lines 1 through 3 and inserting

1 <An Act relating to recovery of an overpayment to a provider  
2 based on specified grounds under the Medicaid program.>

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COMMITTEE ON HUMAN RESOURCES

JEFF EDLER, CHAIRPERSON