

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1695

S.P. 627

In Senate, December 17, 2003

An Act To Ensure Compliance with Federal Medicaid Requirements

Submitted by the Department of Human Services pursuant to Joint Rule 204.

Received by the Secretary of the Senate on December 16, 2003. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by President DAGGETT of Kennebec.
Cosponsored by Representative CRAVEN of Lewiston and
Senators: BRENNAN of Cumberland, MAYO of Sagadahoc, Representative: WALCOTT of
Lewiston.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 22 MRSA §13, sub-§6, ¶B**, as enacted by PL 2003, c.
419, §1, is amended to read:

6 B. Notwithstanding paragraph A, the department may
7 terminate or suspend the participation of a provider in the
8 MaineCare program ~~in--lieu--of--recoupment--pending--final~~
9 ~~determination--regarding--an--overpayment--as--long--as--30--days'~~
10 ~~notice-is-given~~ pursuant to federal and state guidelines.

12 **Sec. 2. 22 MRSA §13, sub-§6, ¶C** is enacted to read:

14 C. For the purposes of this subsection, "overpayment" does
15 not include an overestimate made as part of a prospective
16 interim payment, 3rd-party liability recovery, departmental
17 administrative error or receivership fees or debt.

18 **Sec. 3. 22 MRSA §42, sub-§7, ¶H**, as enacted by PL 2003, c.
20 419, §2, is amended to read:

22 H. In an administrative appeal of an informal review
23 decision under this subsection, the department bears the
24 burden of proving a violation of law or rule by a
25 preponderance of the evidence. If the department proves
26 that records of goods or services are defective, the
27 department may impose the a penalty or sanction of,
28 including total recoupment. Total recoupment is warranted
29 only when the provider has failed to demonstrate by a
30 preponderance of the evidence that the disputed goods or
31 services were actually provided to eligible MaineCare
32 members.

34 **SUMMARY**

36 This bill clarifies that for purposes of recovering
37 overpayments to providers under the MaineCare program,
38 overpayments do not include overestimates made as part of
39 prospective interim payments, 3rd-party liability recovery,
40 departmental administrative error or receivership fees or debt.
41 The bill also clarifies that if the Department of Human Services
42 proves that records of goods or services are defective, it may
43 impose a penalty or sanction, which may include total recoupment.