

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 739

H.P. 544

House of Representatives, March 5, 2021

An Act Regarding Credible Allegations of Fraud by MaineCare Providers

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative O'CONNOR of Berwick.
Cosponsored by Representatives: DOLLOFF of Milton Township, GIFFORD of Lincoln,
GRIFFIN of Levant, GRIGNON of Athens, JAVNER of Chester, PARRY of Arundel,
RUDNICKI of Fairfield, STEARNS of Guilford.

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

2 **Sec. 1. 22 MRSA §1714-E, sub-§4**, as reallocated by RR 2011, c. 2, §25, is
3 amended to read:

4 **4. Final determination; offset.** Upon a final determination that ~~fraud has occurred~~
5 an allegation of fraud has been established and that money is owed by the MaineCare
6 provider to the department, and ~~31~~ 21 days after exhaustion of all administrative appeals
7 ~~and any judicial review available under Title 5, chapter 375~~, the department may retain and
8 apply as an offset to amounts determined to be owed to the department any payments to
9 the provider that were suspended by the department pursuant to this section. The amount
10 retained pursuant to this subsection may not exceed the amount determined finally to be
11 owed.

12 **SUMMARY**

13 This bill allows the Department of Health and Human Services, after a final
14 determination that an allegation of fraud concerning a MaineCare provider has been
15 established, rather than that fraud has occurred, to retain and apply as an offset to amounts
16 determined to be owed to the department any payments to the provider that were suspended
17 by the department. This bill also decreases from 31 days to 21 days after exhaustion of all
18 administrative appeals when the department may take that action and removes reference to
19 judicial review.