

ACTS, 1982. - Chap. 368.

recipient of medical assistance shall inform the department of any health insurance available to such recipient upon initial application and redetermination for eligibility for assistance and shall make known the nature and extent of any health insurance coverage to any person or institution that provides medical benefits to the recipient or his dependent.

No policy for health insurance for health care delivery administered, issued or renewed in the commonwealth shall contain any provision denying or reducing benefits to a person who is eligible for or who is receiving medical assistance under said chapter one hundred and eighteen E.

A provider of medical assistance under said chapter one hundred and eighteen E shall determine whether any recipient for whom it provides medical benefits that are or may be eligible for reimbursement pursuant to said chapter one hundred and eighteen E is a subscriber or beneficiary of a health insurance plan. The department is the payor of last resort, and accordingly a provider shall request payment for medical benefits it provides from a health insurer which is or may be liable for the medical benefits so provided, before payment is requested from the department.

Payment by the department under the medical assistance program shall constitute payment in full; subsequent to any such payment a provider may not recover from any health insurer an amount greater than the amount so paid by the department for any service for which the department is to be the payor of last resort.

Notwithstanding any provision of law, all health insurers doing business in the commonwealth shall provide information to the department to the extent sufficient to identify persons who are recipients of assistance under said chapter one hundred and eighteen E and who are also beneficiaries under any policy for health insurance in force and effect in the commonwealth.

Approved July 22, 1982.

Chap. 368. AN ACT RELATIVE TO THE COLLECTION OF MEDICAID OVER PAYMENTS BY THE DEPARTMENT OF PUBLIC WELFARE.

Be it enacted, etc., as follows:

Section 20 of chapter 118E of the General Laws, as most recently amended by section 279 of chapter 351 of the acts of 1981, is hereby further amended by inserting after the first paragraph

ACTS, 1982. - Chap. 368.

the following paragraph:-

When the department has reason to believe that a provider has received payment to which he is not entitled, the department shall notify the provider of the facts on which it bases its belief, identifying the amount believed to have been overpaid and the reasons therefor, and shall accord the provider a reasonable opportunity to submit additional data and argument to support the provider's claim for reimbursement. After consideration and review of any such information submitted by the provider, the department shall make a final determination. Any amount determined to have been overpaid shall be recoverable under the provisions of this section unless the provider files a timely claim for an adjudicatory hearing raising a material dispute of fact or law. In such adjudicatory hearing, the burden shall be on the provider to demonstrate his entitlement to the payments denied by the department. After such hearing, the commissioner shall notify the provider of his decision with reasons therefor. The decision of the commissioner shall be final and is enforceable under this section unless stayed pursuant to a valid court order; provided, however, that the department has sent written notice to the provider prior to the time period in which the services in dispute were provided, which notice shall state that the entry and filing provisions of this section are applicable only to claims processed after the date of said notice.

If the department's determination, or an administrative review thereof, has become final and the amount overpaid remains unpaid in full or in part, the commissioner may file with the clerk of the municipal court of the city of Boston, or in the district court in the judicial district where the provider has principal place of business, a certificate or a copy thereof under official seal, stating: the name and address of the provider, the amount owed to the commonwealth as overpayment and in default, that the time in which administrative or judicial review is permitted has expired without appeal having been taken, or, if a claim has been filed under section fourteen of chapter thirty A, that the department's determination has not been stayed. Upon such filing of a certificate stating said information, such clerk shall assign a civil docket number to such certificate and enter judgment thereon in the civil docket as in a civil action. Such entry shall include the name of the provider identified in the certificate, the amount of such overpayment in default, and the date such certificate is filed. Such certificate shall be enforceable in the same manner and to the same extent as a judgment entered by a court of competent jurisdiction; provided, however, that the rules of court governing procedures in civil cases after the entry of judgment shall not apply to certificates entered as judgments as

ACTS, 1982. - Chap. 369.

provided herein. Retroactive rate adjustments made to the rates of institutional providers pursuant to section thirty-two of chapter six A shall not be subject to the filing and entry dispositions of this section.

Approved July 22, 1982.

Chap. 369. MAKING CERTAIN CHANGES IN THE PROCEDURE OF CLASSIFICATION OF LAND FOR TAXATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately make changes in the procedure of classification of taxable land, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. _____

Be it enacted, etc., as follows:

SECTION 1. Section 56 of chapter 40 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by chapter 419 of the acts of 1981, and inserting in place thereof the following paragraph:-

The commissioner shall biennially certify as to whether the board of assessors is assessing property at full and fair cash valuation. The selectmen or town council of each town and the city council together with the mayor's approval in each city, which city or town has been certified by the commissioner of revenue to be assessing property at full and fair cash valuation, shall annually first determine the percentages of the local tax levy to be borne by each class of real property, as defined in section two A of chapter fifty-nine, and personal property for the next fiscal year; provided, however, that if the mayor vetoes the city council's percentages, in a city, the city council may override such veto with a vote equal to two-thirds of the members elected. In determining such percentages, the selectmen, town council or the city council, together with the mayor's approval, as the case may be, shall first adopt a residential factor; provided, however, that if the mayor vetoes the city council's factor, in a city, the city council may override such veto with a vote equal to two-thirds of the members elected. Said factor shall be an amount not less than the minimum residential factor determined by the commissioner of revenue in accordance with the provisions of section one A of chapter fifty-eight and shall be used by the board of assessors