

By Mr. Kennedy of Brockton, petition of Thomas P. Kennedy, Barbara E. Gray and William R. Keating that the Department of Public Welfare be authorized to recover certain medical assistance program overpayments. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Three.

AN ACT RELATIVE TO THE RECOVERY OF MEDICAL ASSISTANCE PROGRAM OVERPAYMENTS.

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose which is to provide for enhanced and
3 meaningful public participation with respect to certain
4 reimbursement regulatory initiatives, it is hereby declared an
5 emergency law, necessary for the immediate preservation of the
6 public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 20 of chapter 118E of the General Laws, as appearing
2 in the 1990 Official Edition and as amended by sections 185
3 and 186 of chapter 138 of the Acts of 1991, is hereby amended
4 by adding at the end of said section the following new
5 paragraph: —
6 Notwithstanding any provision of this section to the contrary,
7 the department shall, prior to using any other means of recovery,
8 recover from non-acute hospitals any amount for which a final
9 determination of overpayment has been made by offsetting
10 against said overpayment any amounts which the department
11 owes to the non-acute hospital for any reason including, but not
12 limited to, rate adjustments and claims which are pended because
13 no appropriation exists or has been made. In performing the
14 offset, the department shall offset the overpayment with amounts
15 due to the non-acute hospital in chronological order based on the

16 date the service was rendered and starting with the earliest year
 17 for which amounts are due to the non-acute hospital. The
 18 department shall issue a written notice to the non-acute hospital
 19 showing the amount of the overpayment and the offsets made
 20 against said overpayment. Any non-acute hospital aggrieved by
 21 the offset performed by the department may claim an
 22 administrative hearing within sixty days of receipt of the
 23 department's notice.