

By Mr. Kollios of Millbury, petition of Paul Kollios and Therese Murray relative to the recovery of medical assistance program overpayments. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

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

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

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 providers any amount for which a final determina-
9 tion of overpayment has been made by offsetting against said
10 overpayment any amounts which the department owes to the
11 provider for any reason including, but not limited to, rate
12 adjustments and claims which are pended because no appropri-
13 ation exists or has been made. In performing the offset, the
14 department shall offset the overpayment with amounts due to the
15 provider in chronological order based on the date the service was
16 rendered and starting with the earliest year for which amounts
17 are due to the provider. The department shall issue a written notice
18 to the provider showing the amount of the overpayment and the
19 offsets made against said overpayment. Any provider aggrieved
20 by the offset performed by the department may claim an
21 administrative hearing within sixty days of receipt of the
22 department's notice.

