

Accompanying the twenty-seventh recommendation of the Department of Public Welfare (House, No. 164). Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT TO ESTABLISH UNIFORM RULES GOVERNING THE SUBMISSION AND PAYMENT OF CLAIMS BY PROVIDERS.

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 1. The seventh paragraph of section 32 of chapter
2 6A of the General Laws, as appearing in section 2 of chapter 1229
3 of the acts of 1973, is hereby amended by adding the following
4 sentence: — Whenever a rate certified to the state secretary re-
5 quires a governmental agency to pay a retroactive increase, the
6 amount of such increase shall be deemed attributable to the fiscal
7 year in which such rate is certified, and may be paid from current
8 funds.

1 SECTION 2. Chapter 18 of the General Laws is hereby amend-
2 ed by striking out section 5C, as amended by section 1 of chapter
3 701 of the acts of 1970, and inserting in place thereof the following
4 section: —

5 *Section 5C.* Any vendor or provider who delivers goods or
6 renders services under any program administered by the depart-
7 ment shall submit bills to the department within a time period as
8 specified in department regulations. Bills shall be submitted in such
9 form and manner as the department shall prescribe, which form
10 shall include a certification as to the truth, accuracy and complete-
11 ness of the matters stated in the bill. Bills shall be signed under the
12 penalties of perjury, provided, however, that any institution as

13 defined in clause (d) of section two of chapter one hundred and
14 eighteen E may, in lieu of such signature, agree in writing with the
15 commissioner that its books and records will be available for
16 inspection at all reasonable time by the department with respect to
17 services rendered under any assistance program administered by
18 the department.

19 The department shall require that vendors and providers main-
20 tain records for such length of time as the department shall deter-
21 mine by regulation, but in no case for less than four years, subject
22 to inspection, copying and audit by the department as to proof of
23 actual deliverance of services and goods to recipients for which
24 bills are submitted. The Department shall verify the accuracy of
25 bills submitted under this section through the application of statis-
26 tical sampling methods.

27 The department shall establish by regulation a procedure for
28 administrative review of claims disallowed prior to payment. Any
29 previously denied claim which is subsequently determined to be
30 valid may be deemed an obligation for the fiscal year in which
31 payment is allowed.

32 If final judgment is entered against the department by any court
33 of competent jurisdiction in an action which arises under any
34 program administered by the department, the amount of such
35 judgment or decree shall be deemed an obligation for the fiscal year
36 in which it is entered and may be paid by the department from
37 current funds.