

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 460 be amended to read as follows:

- 1 Page 1, line 10, delete "IC 12-15-13-3(a)." and insert "**IC**
2 **12-15-13-3.5(a).**".
- 3 Page 1, delete lines 11 through 17.
4 Delete pages 2 through 3.
- 5 Page 4, delete lines 1 through 24, begin a new paragraph and insert:
6 "SECTION 3. IC 12-15-13-3.5 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2011]: **Sec. 3.5. (a) As used in this section,**
9 **"noninstitutional provider" means any Medicaid provider other**
10 **than the following:**
- 11 **(1) A health facility licensed under IC 16-28.**
12 **(2) An ICF/MR (as defined in IC 16-29-4-2).**
- 13 **(b) If the office of the secretary or the office of the secretary's**
14 **designee believes that an overpayment to a noninstitutional**
15 **provider has occurred, the office of the secretary or the office of**
16 **the secretary's designee may submit to the noninstitutional**
17 **provider a preliminary review of the draft audit findings.**
- 18 **(c) A noninstitutional provider that receives a preliminary**
19 **review of draft audit findings under subsection (b) may request**
20 **administrative reconsideration of the preliminary review not later**
21 **than forty-five (45) days after the issuance of the preliminary**
22 **review. The noninstitutional provider may submit comments along**
23 **with the request for administrative reconsideration. The**

1 **noninstitutional provider must request administrative**
 2 **reconsideration before filing an appeal.**

3 **(d) Following administrative reconsideration of the preliminary**
 4 **review of draft audit findings and any comments submitted along**
 5 **with the noninstitutional provider's request for administrative**
 6 **consideration and if the office of the secretary or the office of the**
 7 **secretary's designee believes that an overpayment has occurred,**
 8 **the office of the secretary or the office of the secretary's designee**
 9 **shall notify the noninstitutional provider in writing that the office**
 10 **of the secretary or the office of the secretary's designee:**

11 **(1) believes that the overpayment has occurred; and**

12 **(2) is issuing a final calculation of the overpayment.**

13 **(e) A noninstitutional provider who receives a notice under**
 14 **subsection (d) may elect to do one (1) of the following:**

15 **(1) Repay the amount of the final calculation not later than**
 16 **three hundred (300) days after the provider received the**
 17 **notice under subsection (d), including interest:**

18 **(A) due from the noninstitutional provider; and**

19 **(B) accruing from the date of overpayment.**

20 **(2) Request a hearing by filing an administrative appeal not**
 21 **later than sixty (60) days after receiving the notice under**
 22 **subsection (d) and repay the amount of the final calculation of**
 23 **the overpayment under subsection (d) not later than three**
 24 **hundred (300) days after receiving the notice under**
 25 **subsection (d).**

26 **(f) If:**

27 **(1) a noninstitutional provider elects to proceed under**
 28 **subsection (e)(2); and**

29 **(2) the office of the secretary or the office of the secretary's**
 30 **designee determines after the hearing and any subsequent**
 31 **appeal that the noninstitutional provider does not owe the**
 32 **money that the office of the secretary or the office of the**
 33 **secretary's designee believed the noninstitutional provider**
 34 **owed;**

35 **the office of the secretary or the office of the secretary's designee**
 36 **shall return the amount of the alleged overpayment, and any**
 37 **interest paid by the noninstitutional provider, and pay the**
 38 **noninstitutional provider interest on the money from the date of**
 39 **the noninstitutional provider's repayment.**

40 **(g) Interest that is due under this section shall be paid at a rate**
 41 **that is determined by the commissioner of the department of state**
 42 **revenue under IC 6-8.1-10-1(c) as follows:**

43 **(1) Interest due from a noninstitutional provider to the state**
 44 **shall be paid at the rate set by the commissioner for interest**
 45 **payments from the department of state revenue to a taxpayer.**

46 **(2) Interest due from the state to a noninstitutional provider**
 47 **shall be paid at the rate set by the commissioner for interest**

1 payments from the department of state revenue to a taxpayer.

2 **(h) Interest on an overpayment to a noninstitutional provider is**
 3 **not due from the noninstitutional provider if the overpayment is**
 4 **the result of an error of:**

5 **(1) the office; or**

6 **(2) a contractor of the office;**

7 **as determined by the office of the secretary or the office of the**
 8 **secretary's designee.**

9 **(i) If interest on an overpayment to a noninstitutional provider**
 10 **is due from the noninstitutional provider, the secretary or the**
 11 **secretary's designee may, in the course of negotiations with the**
 12 **noninstitutional provider regarding an appeal filed under**
 13 **subsection (e), reduce the amount of interest due from the**
 14 **noninstitutional provider.**

15 **(j) Proceedings under this section are subject to IC 4-21.5."**

16 Page 5, line 7, after "comments," insert **"and if the office of the**
 17 **secretary or the office of the secretary's designee believes that an**
 18 **overpayment has occurred,"**

19 Page 12, line 37, after "that" insert **"either"**.

20 Page 12, line 37, after "fails" insert **"to submit patient day**
 21 **information requested by the office to calculate the quality**
 22 **assessment fee or fails"**.

23 Page 12, line 39, after "after" insert **"the patient day information**
 24 **or"**.

25 Page 13, line 3, after "the" insert **"patient day information is not**
 26 **submitted, or the"**.

27 Page 13, line 6, after "to" insert **"submit the patient day**
 28 **information or fails to"**.

29 Page 16, after line 10, begin a new paragraph and insert:

30 "SECTION 19. IC 12-15-13-3 IS REPEALED [EFFECTIVE JULY
 31 1, 2011]."

32 Renumber all SECTIONS consecutively.

(Reference is to ESB 460 as printed April 13, 2011.)

Representative Brown T