STATE OF NEW YORK

3898

2025-2026 Regular Sessions

IN ASSEMBLY

January 30, 2025

Introduced by M. of A. ALVAREZ -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to audits conducted by the office of Medicaid inspector general detecting ministerial or clerical errors that generate an overpayment to certain services

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The public health law is amended by adding a new section 37 to read as follows:

§ 37. Overpayment; procedures, practices and standards in certain instances. 1. Subject to federal law or regulation, recovery of an overpayment resulting from the issuance of a final audit report or final notice of agency action by the inspector shall commence not less than sixty days after the issuance of the final audit report or final notice of agency action regarding the delivery of non-emergency medical transportation services to recipients enrolled in the medical assistance program.

2. Any vendor providing non-emergency medical transportation services who has been compensated for such service, and after an audit conducted by the inspector, had such compensation disqualified and denominated an overpayment due to a ministerial or inadvertent error in record keeping, may be afforded a reasonable time to provide and submit independent proof that such service was actually rendered to a recipient enrolled in the medical assistance program. In such instances, subject to federal law or regulation, the inspector shall amend the final audit or final notice of agency action to eliminate and reduce the overpayment sum stated therein, including any extrapolation calculation derivative of such alleged overpayment, for each instance that the vendor can establish by independent proof that transportation services were actually rendered to a recipient enrolled in the medical assistance program.

§ 2. This act shall take effect immediately.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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