

# STATE OF NEW YORK

10464

## IN ASSEMBLY

May 25, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Reyes) --  
read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the recovery of  
improperly expended medical assistance program funds

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

1 Section 1. Subdivision 20 of section 32 of the public health law, as  
2 added by chapter 442 of the laws of 2006, is amended to read as follows:

3 20. to, consistent with provisions of this title, implement and amend,  
4 as needed, rules and regulations relating to the prevention, detection,  
5 investigation and referral of fraud and abuse within the medical assist-  
6 ance program and the recovery of improperly expended medical assistance  
7 program funds. If the improperly expended funds were received due to a  
8 clerical, technological or inadvertent human error ascertained after an  
9 audit, the provider shall be afforded an opportunity to submit evidence  
10 that the service pertaining to such claim or claims was actually  
11 rendered and any reclamation of funds in such instance shall cease;  
12 provided however, if such evidence cannot be provided and it can be  
13 determined that such clerical, technological or inadvertent human error  
14 is the sole proximate cause for such improperly expended medical assist-  
15 ance program funds, recoupment shall be capped at the sum actually  
16 received by a provider who rendered the service and made such ministeri-  
17 al error;

18 § 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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