STATE OF NEW YORK

9166

IN SENATE

May 11, 2022

Introduced by Sen. RAMOS -- read twice and ordered printed, and when printed to be committed 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:

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

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

§ 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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