

# STATE OF NEW YORK

8684

## IN SENATE

February 29, 2024

Introduced by Sen. SEPULVEDA -- 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 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:

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

3 § 37. Overpayment; procedures, practices and standards in certain  
4 instances. 1. Subject to federal law or regulation, recovery of an over-  
5 payment resulting from the issuance of a final audit report or final  
6 notice of agency action by the inspector shall commence not less than  
7 sixty days after the issuance of the final audit report or final notice  
8 of agency action regarding the delivery of non-emergency medical trans-  
9 portation services to recipients enrolled in the medical assistance  
10 program.

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

24 § 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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