

By: Hinojosa

S.B. No. 1446

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the payment of individuals employed by recovery audit
3 contractors to identify underpayments and overpayments under the
4 Medicaid program.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 531.117, Government Code, is amended to
7 read as follows:

8 Sec. 531.117. RECOVERY AUDIT CONTRACTORS. (a) To the
9 extent required under Section 1902(a)(42), Social Security Act (42
10 U.S.C. Section 1396a(a)(42)), the commission shall establish a
11 program under which the commission contracts with one or more
12 recovery audit contractors for purposes of identifying
13 underpayments and overpayments under the Medicaid program and
14 recovering the overpayments.

15 (b) To the extent allowed by federal law, an individual
16 employed by a recovery audit contractor to identify underpayments
17 and overpayments under the Medicaid program may not be paid based on
18 a percentage of any overpayments identified by the individual and
19 recovered by the recovery audit contractor.

20 SECTION 2. If before implementing any provision of this Act
21 a state agency determines that a waiver or authorization from a
22 federal agency is necessary for implementation of that provision,
23 the agency affected by the provision shall request the waiver or
24 authorization and may delay implementing that provision until the

1 waiver or authorization is granted.

2 SECTION 3. This Act takes effect September 1, 2013.