

By: Guerra

H.B. No. 3023

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a provider's right to an administrative hearing on a
3 proposed recoupment of an overpayment or debt by the office of
4 inspector general for the Health and Human Services Commission.

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

6 SECTION 1. Section 531.1201(a), Government Code, is amended
7 to read as follows:

8 (a) A provider must request an appeal under this section not
9 later than the 15th day after the date the provider is notified that
10 the commission or the commission's office of inspector general will
11 seek to recover an overpayment or debt from the provider. On
12 receipt of a timely written request by a provider who is the subject
13 of a recoupment of overpayment or recoupment of debt arising out of
14 a fraud or abuse investigation, the office of inspector general
15 shall file a docketing request with the State Office of
16 Administrative Hearings [~~or the Health and Human Services~~
17 ~~Commission appeals division, as requested by the provider,~~] for an
18 administrative hearing regarding the proposed recoupment amount
19 and any associated damages or penalties. The office shall file the
20 docketing request under this section not later than the 60th day
21 after the date of the provider's request for an administrative
22 hearing or not later than the 60th day after the completion of the
23 informal resolution process, if applicable.

24 SECTION 2. Section 531.1201(a), Government Code, as amended

1 by this Act, applies to a proposed recoupment of an overpayment or
2 debt that a provider is notified of by the office of the inspector
3 general for the Health and Human Services Commission on or after the
4 effective date of this Act. A proposed recoupment of an overpayment
5 or debt that a provider is notified of before the effective date of
6 this Act is governed by the law in effect when the provider was
7 notified, and the former law is continued in effect for that
8 purpose.

9 SECTION 3. If before implementing any provision of this Act
10 a state agency determines that a waiver or authorization from a
11 federal agency is necessary for implementation of that provision,
12 the agency affected by the provision shall request the waiver or
13 authorization and may delay implementing that provision until the
14 waiver or authorization is granted.

15 SECTION 4. This Act takes effect September 1, 2015.