

By: Klick

H.B. No. 3917

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a prohibition of recoupment of payments on certain
3 provider claims made under the Medicaid program.

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

5 SECTION 1. Subchapter B, Chapter 32, Human Resources Code,
6 is amended by adding Section 32.0631 to read as follows:

7 Sec. 32.0631. RECOUPMENT OF CERTAIN PAYMENTS PROHIBITED.
8 The department may not recoup any part of an improper payment that
9 was made to a provider for a claim for medical services made under
10 the medical assistance program if:

11 (1) the provider actually provided a medical service
12 reimbursable under the medical assistance program;

13 (2) the provider submitted a clean claim as required
14 under the medical assistance program; and

15 (3) the reason for the improper payment was an error
16 made by the department or an organization that has contracted with
17 the department for the administration of payments under the medical
18 assistance program.

19 SECTION 2. Section 32.0631, Human Resources Code, as added
20 by this Act, applies only to improper payments for claims made under
21 the medical assistance program under Chapter 32, Human Resources
22 Code, that are made on or after the effective date of this Act. A
23 claim made before the effective date of this Act is governed by the
24 law as it existed immediately before the effective date of this Act,

1 and that law is continued in effect for that purpose.

2 SECTION 3. If before implementing any provision of this Act
3 a state agency determines that a waiver or authorization from a
4 federal agency is necessary for implementation of that provision,
5 the agency affected by the provision shall request the waiver or
6 authorization and may delay implementing that provision until the
7 waiver or authorization is granted.

8 SECTION 4. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2015.