

By: Raymond

H.B. No. 4047

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to claims processes and reimbursement for, and overpayment  
3 recoupment processes imposed on, health care providers under  
4 Medicaid.

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

6 SECTION 1. Section 531.1135(c), Government Code, is amended  
7 to read as follows:

8 (c) Notwithstanding any other law, a managed care  
9 organization may not attempt to recover an overpayment described by  
10 Subsection (a) until:

11 (1) the provider has exhausted all rights to an  
12 appeal; and

13 (2) the office of the inspector general has issued a  
14 final determination.

15 SECTION 2. Section 531.024172(d), Government Code, is  
16 amended to read as follows:

17 (d) In implementing the electronic visit verification  
18 system:

19 (1) subject to Subsection (e), the executive  
20 commissioner shall adopt compliance standards for health care  
21 providers; and

22 (2) the commission shall ensure that:

23 (A) the information required to be reported by  
24 health care providers is standardized across managed care

1 organizations that contract with the commission to provide health  
2 care services to Medicaid recipients and across commission  
3 programs;

4 (B) processes required by managed care  
5 organizations to retrospectively correct data are standardized and  
6 publicly accessible to health care providers; ~~and~~

7 (C) standardized processes are established for  
8 addressing the failure of a managed care organization to provide a  
9 timely authorization for delivering services necessary to ensure  
10 continuity of care; and

11 (D) a health care provider is allowed to:

12 (i) enter a variable schedule into the  
13 electronic visit verification system,

14 (ii) submit a claim to be reimbursed for an  
15 amount of time that is less than the verified amount of time; and

16 (iii) correct claims denied by a managed  
17 care organization within 95 days of the date of denial.

18 SECTION 3. If before implementing any provision of this Act  
19 a state agency determines that a waiver or authorization from a  
20 federal agency is necessary for implementation of that provision,  
21 the agency affected by the provision shall request the waiver or  
22 authorization and may delay implementing that provision until the  
23 waiver or authorization is granted.

24 SECTION 5. This Act takes effect September 1, 2021.