

ENROLLED HOUSE
BILL NO. 3231

By: Jackson, Wright (John) and
Cox of the House

and

Anderson and Johnson
(Constance) of the Senate

An Act relating to poor persons; amending Section 9, Chapter 315, O.S.L. 2006 (56 O.S. Supp. 2009, Section 1011.9), which relates to the establishment of a method to reduce the payment error rate; defining term; specifying time of certain training; providing for certain referral upon suspicion of fraud; providing for appeal upon certain condition; providing for hearing; providing for participation and legal representation in hearing; requiring report to the Governor and Legislature; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 9, Chapter 315, O.S.L. 2006 (56 O.S. Supp. 2009, Section 1011.9), is amended to read as follows:

Section 1011.9 A. 1. The Oklahoma Health Care Authority shall establish a method to deter abuse and reduce errors in Medicaid billing, payment, and eligibility through the use of technology and accountability measures for the Authority, providers, and consumers. The Authority shall achieve a payment error rate measurement of no greater than five percent (5%) by fiscal year 2009. The Oklahoma Health Care Authority shall evaluate and report findings to the Governor and the Legislature.

2. For the purposes of this section, "error rate" means errors based on clearly defined objective documentation standards that are readily available to providers. Training to meet the standards shall be provided on at least an annual basis by the Oklahoma Health Care Authority.

B. 1. If errors are suspected to be the result of fraudulent acts, the errors shall be reported and investigated by the Oklahoma Attorney General.

2. Recoupment of overpayments due to identified errors determined not to be fraudulent and shall occur only after the provider has had the opportunity to exercise the right to an appeal that shall include a hearing conducted by an administrative law judge appointed by the Oklahoma Attorney General. The provider shall have the right to participate in the hearing and to be represented by legal counsel.

C. The Oklahoma Health Care Authority shall evaluate and report findings concerning the limited use of the extrapolation method to the Governor and the Legislature.

SECTION 2. This act shall become effective November 1, 2010.

Passed the House of Representatives the 27th day of May, 2010.

Presiding Officer of the House of
Representatives

Passed the Senate the 28th day of May, 2010.

Presiding Officer of the Senate