

1 1. General rule. Medicaid reduces its recovery to take account
2 of the cost of procuring the judgment or settlement, as provided in
3 this section, if:

4 a. procurement costs are incurred because the claim is
5 disputed, and

6 b. those costs are borne by the party against which the
7 Oklahoma Health Care Authority seeks to recover.

8 2. Special rule. If the Oklahoma Health Care Authority must
9 file suit because the party that received payment opposes the
10 Authority's recovery, the recovery amount is as set forth in
11 subsection E of this section.

12 B. Recovery against the third-party payer. If the Oklahoma
13 Health Care Authority seeks recovery from the third-party payer, the
14 recovery amount will be no greater than the amount determined under
15 subsection C, D or E of this section.

16 C. Medicaid payments are less than the judgment or settlement
17 amount. If Medicaid payments are less than the judgment or
18 settlement amount, the recovery is computed as follows:

19 1. Determine the ratio of the procurement costs to the total
20 judgment or settlement payment;

21 2. Apply the ratio to the Medicaid payment. The product is the
22 Medicaid share of procurement costs;

23 3. Subtract the Medicaid share of procurement costs from the
24 Medicaid payments. The remainder is the Medicaid recovery amount.

1 D. Medicaid payments equal or exceed the judgment or settlement
2 amount. If Medicaid payments equal or exceed the judgment or
3 settlement amount, the recovery amount is the total judgment or
4 settlement payment minus the total procurement costs.

5 E. The Oklahoma Health Care Authority incurs procurement costs
6 because of opposition to its recovery. If the Oklahoma Health Care
7 Authority must bring suit against the party that received payment
8 because that party opposes the Authority's recovery, the recovery
9 amount is the lower of the following:

- 10 1. Medicaid payment; or
- 11 2. The total judgment or settlement amount, minus the party's
12 total procurement cost.

13 F. Medicaid recovery worksheet. The amount to be recovered
14 from the beneficiary is the amount Medicaid paid, less a
15 proportionate share of the costs of procuring the judgment or
16 settlement. The amount to be refunded is determined as follows:

17 If the Medicaid payment is less than the amount of judgment or
18 settlement:

- 19 a. determine the ratio of the Medicaid payments to the
20 total amount of the judgment or settlement,
- 21 b. apply this ratio to the costs of procuring the
22 judgment or settlement, including attorney fees, and
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1 H. The Oklahoma Health Care Authority is authorized to seek
2 from the Centers for Medicare and Medicaid Services any waivers or
3 amendments to existing waivers or to amend the state Medicaid plan
4 in order to accomplish the purposes outlined in this section.

5 SECTION 3. It being immediately necessary for the preservation
6 of the public peace, health and safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

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10 DIRECT TO CALENDAR.

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