

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: S3/13/17
A Bill

SENATE BILL 765

By: Senator Irvin

For An Act To Be Entitled

AN ACT TO HARMONIZE THE INTERPRETATION OF FEDERAL MEDICAID REGULATIONS BY THE DEPARTMENT OF HUMAN SERVICES AND THE OFFICE OF MEDICAID INSPECTOR GENERAL IN REGARDS TO PROVIDER AUDITS; TO REQUIRE THAT PROVIDERS BE NOTIFIED BEFORE MEDICAID POLICY INTERPRETATIONS ARE CHANGED; TO PROHIBIT RECOUPMENT WHEN MULTIPLE SERVICES PROVIDED DURING THE SAME ENCOUNTER ARE DOCUMENTED ON A SINGLE NOTE; AND FOR OTHER PURPOSES.

Subtitle

TO HARMONIZE THE INTERPRETATION OF FEDERAL MEDICAID REGULATIONS BY THE DEPARTMENT OF HUMAN SERVICES AND THE OFFICE OF MEDICAID INSPECTOR GENERAL IN REGARDS TO PROVIDER AUDITS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 20-77-2506(15), concerning the duties of the Medicaid Inspector General, is amended to read as follows:

(15)(A) Review and audit contracts, cost reports, claims, bills, and other expenditures of medical assistance program funds to determine compliance with applicable state laws and rules and federal laws and regulations and take actions authorized by state laws and rules and federal laws and regulations.

(B)(i) When auditing Medicaid provider claims, the



Medicaid Inspector General shall not apply interpretations of the Medicaid state plan, the rules of the Department of Human Services, Medicaid provider manuals, Medicaid notices, or other guidance that are different from the interpretations applied by the department during the period of time covered by the audit.

(ii) If the Medicaid Inspector General believes that the department's interpretation of the Medicaid state plan, the rules of the Department of Human Services, Medicaid provider manuals, Medicaid notices, or other guidance is incorrect, the Medicaid Inspector General shall first consult with the department and the department shall notify all affected providers of any change in interpretation.

(C) When auditing Medicaid provider claims, the Medicaid Inspector General shall not attempt to recoup payments for services solely on the basis that the documentation for multiple services provided during a single encounter is not recorded on separate notes or records in the patient chart;

/s/Irvin