

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 460 be amended to read as follows:

- 1 Page 1, line 10, delete "IC 12-15-13-3(a)." and insert "**IC**
- 2 **12-15-13-3.5(a).**".
- 3 Page 1, delete lines 11 through 17.
- 4 Delete pages 2 through 3.
- 5 Page 4, delete lines 1 through 24, begin a new paragraph and insert:
- 6 "SECTION 3. IC 12-15-13-3.5 IS ADDED TO THE INDIANA
- 7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 8 [EFFECTIVE JULY 1, 2011]: **Sec. 3.5. (a) As used in this section,**
- 9 **"noninstitutional provider" means any Medicaid provider other**
- 10 **than the following:**
- 11 (1) **A health facility licensed under IC 16-28.**
- 12 (2) **An ICF/MR (as defined in IC 16-29-4-2).**
- 13 (b) **If the office of the secretary or the office of the secretary's**
- 14 **designee believes that an overpayment to a noninstitutional**
- 15 **provider has occurred, the office of the secretary or the office of**
- 16 **the secretary's designee may submit to the noninstitutional**
- 17 **provider a preliminary review of the draft audit findings.**
- 18 (c) **A noninstitutional provider that receives a preliminary**
- 19 **review of draft audit findings under subsection (b) may request**
- 20 **administrative reconsideration of the preliminary review not later**
- 21 **than forty-five (45) days after the issuance of the preliminary**
- 22 **review. The noninstitutional provider may submit comments along**
- 23 **with the request for administrative reconsideration. The**

1        **noninstitutional provider must request administrative**  
 2        **reconsideration before filing an appeal.**

3        **(d) Following administrative reconsideration of the preliminary**  
 4        **review of draft audit findings and any comments submitted along**  
 5        **with the noninstitutional provider's request for administrative**  
 6        **consideration and if the office of the secretary or the office of the**  
 7        **secretary's designee believes that an overpayment has occurred,**  
 8        **the office of the secretary or the office of the secretary's designee**  
 9        **shall notify the noninstitutional provider in writing that the office**  
 10       **of the secretary or the office of the secretary's designee:**

11        **(1) believes that the overpayment has occurred; and**

12        **(2) is issuing a final calculation of the overpayment.**

13       **(e) A noninstitutional provider who receives a notice under**  
 14       **subsection (d) may elect to do one (1) of the following:**

15        **(1) Repay the amount of the final calculation not later than**  
 16        **three hundred (300) days after the provider received the**  
 17        **notice under subsection (d), including interest:**

18        **(A) due from the noninstitutional provider; and**

19        **(B) accruing from the date of overpayment.**

20        **(2) Request a hearing by filing an administrative appeal not**  
 21        **later than sixty (60) days after receiving the notice under**  
 22        **subsection (d) and repay the amount of the final calculation of**  
 23        **the overpayment under subsection (d) not later than three**  
 24        **hundred (300) days after receiving the notice under**  
 25        **subsection (d).**

26       **(f) If:**

27        **(1) a noninstitutional provider elects to proceed under**  
 28        **subsection (e)(2); and**

29        **(2) the office of the secretary or the office of the secretary's**  
 30        **designee determines after the hearing and any subsequent**  
 31        **appeal that the noninstitutional provider does not owe the**  
 32        **money that the office of the secretary or the office of the**  
 33        **secretary's designee believed the noninstitutional provider**  
 34        **owed;**

35       **the office of the secretary or the office of the secretary's designee**  
 36       **shall return the amount of the alleged overpayment, and any**  
 37       **interest paid by the noninstitutional provider, and pay the**  
 38       **noninstitutional provider interest on the money from the date of**  
 39       **the noninstitutional provider's repayment.**

40       **(g) Interest that is due under this section shall be paid at a rate**  
 41       **that is determined by the commissioner of the department of state**  
 42       **revenue under IC 6-8.1-10-1(c) as follows:**

43        **(1) Interest due from a noninstitutional provider to the state**  
 44        **shall be paid at the rate set by the commissioner for interest**  
 45        **payments from the department of state revenue to a taxpayer.**

46        **(2) Interest due from the state to a noninstitutional provider**  
 47        **shall be paid at the rate set by the commissioner for interest**

1           payments from the department of state revenue to a taxpayer.  
 2           **(h) Interest on an overpayment to a noninstitutional provider is**  
 3 **not due from the noninstitutional provider if the overpayment is**  
 4 **the result of an error of:**

5           **(1) the office; or**  
 6           **(2) a contractor of the office;**  
 7 **as determined by the office of the secretary or the office of the**  
 8 **secretary's designee.**

9           **(i) If interest on an overpayment to a noninstitutional provider**  
 10 **is due from the noninstitutional provider, the secretary or the**  
 11 **secretary's designee may, in the course of negotiations with the**  
 12 **noninstitutional provider regarding an appeal filed under**  
 13 **subsection (e), reduce the amount of interest due from the**  
 14 **noninstitutional provider.**

15           **(j) Proceedings under this section are subject to IC 4-21.5."**  
 16           Page 5, line 7, after "comments," insert **"and if the office of the**  
 17 **secretary or the office of the secretary's designee believes that an**  
 18 **overpayment has occurred,"**

19           Page 12, line 37, after "that" insert **"either"**.

20           Page 12, line 37, after "fails" insert **"to submit patient day**  
 21 **information requested by the office to calculate the quality**  
 22 **assessment fee or fails"**.

23           Page 12, line 39, after "after" insert **"the patient day information**  
 24 **or"**.

25           Page 13, line 3, after "the" insert **"patient day information is not**  
 26 **submitted, or the"**.

27           Page 13, line 6, after "to" insert **"submit the patient day**  
 28 **information or fails to"**.

29           Page 16, after line 10, begin a new paragraph and insert:

30           "SECTION 19. IC 12-15-13-3 IS REPEALED [EFFECTIVE JULY  
 31 1, 2011]."

32           Re-number all SECTIONS consecutively.

(Reference is to ESB 460 as printed April 13, 2011.)

---

Representative Brown T