

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Kirkmeyer

1 Amend printed bill, page 5, strike lines 20 through 24 and substitute:

2 "(E) PROVIDE PRELIMINARY RAC AUDIT FINDINGS TO A PROVIDER
3 WITHIN A REASONABLE PERIOD FOLLOWING RECEIPT OF ANY REQUESTED
4 MEDICAL RECORDS, AS DETERMINED BY THE STATE DEPARTMENT IN
5 COLLABORATION WITH THE PROVIDER ADVISORY GROUP, CREATED IN
6 SUBSECTION (3.5)(c)(I) OF THIS SECTION."

7 Page 12, strike lines 9 through 27.

8 Strike pages 13 and 14.

9 Page 15, strike lines 1 through 20 and substitute:

10 "(I) (I) IF THE RAC VENDOR IDENTIFIES PRELIMINARY FINDINGS
11 DURING THE RAC AUDIT, THE RAC VENDOR MUST SEND THE PROVIDER A
12 NOTICE OF PRELIMINARY AUDIT FINDINGS DETAILING THE PRELIMINARY
13 FINDINGS, THE RATIONALE FOR THE PRELIMINARY FINDINGS, AND THE
14 METHODOLOGY FOR HOW THE DOLLAR AMOUNTS ASSOCIATED WITH THE
15 PRELIMINARY FINDINGS WERE CALCULATED AND DETERMINED.

16 (II) FOR A COMPLEX AUDIT, A PROVIDER MAY REQUEST AN EXIT
17 CONFERENCE TO DISCUSS THE PRELIMINARY FINDINGS WITH THE RAC
18 VENDOR AND THE STATE DEPARTMENT MEDICAL DIRECTOR, OR THE STATE
19 DEPARTMENT MEDICAL DIRECTOR'S DESIGNEE, PRIOR TO PARTICIPATING IN
20 AN INFORMAL RECONSIDERATION. THE PROVIDER MAY PROVIDE
21 ADDITIONAL INFORMATION SUPPORTING THE PROVIDER'S CLAIMS AT THE
22 EXIT CONFERENCE. A PROVIDER MUST REQUEST AN EXIT CONFERENCE NO
23 LATER THAN THIRTY DAYS AFTER THE PROVIDER RECEIVES A NOTICE OF
24 PRELIMINARY AUDIT FINDINGS FROM THE RAC VENDOR, AND IF AN EXIT
25 CONFERENCE IS REQUESTED, THE STATE DEPARTMENT OR THE RAC
26 VENDOR MUST SCHEDULE THE EXIT CONFERENCE WITHIN SIXTY DAYS OF
27 RECEIVING THE REQUEST AND ON A MUTUALLY AGREED UPON DATE AND
28 TIME.

29 (III) WITHIN THIRTY DAYS OF THE EXIT CONFERENCE, THE STATE
30 DEPARTMENT MUST NOTIFY THE PROVIDER ON WHETHER THE STATE
31 DEPARTMENT WILL DISMISS THE PRELIMINARY FINDINGS OR WILL ISSUE A
32 NOTICE OF INFORMAL RECONSIDERATION. THE NOTICE OF INFORMAL
33 RECONSIDERATION MUST INCLUDE DETAILS ON THE PRELIMINARY
34 FINDINGS, THE RATIONALE FOR THE PRELIMINARY FINDINGS, AND THE
35 METHODOLOGY FOR HOW THE DOLLAR AMOUNT ASSOCIATED WITH THE
36 PRELIMINARY FINDINGS WERE CALCULATED AND DETERMINED. IF AN EXIT

1 CONFERENCE OCCURRED, THE NOTICE MUST INCLUDE INFORMATION ON
2 WHY THE STATE DEPARTMENT DID NOT AGREE WITH THE PROVIDER'S
3 APPROACH.

4 (IV) UNLESS THE PRELIMINARY FINDINGS ARE ACCEPTED BY THE
5 PROVIDER, DISMISSED BY THE STATE DEPARTMENT FOLLOWING AN EXIT
6 CONFERENCE, OR THE PERIOD FOR A PROVIDER TO REQUEST AN EXIT
7 CONFERENCE HAS EXPIRED, A PROVIDER WHO RECEIVES A NOTICE OF
8 PRELIMINARY FINDINGS, THE STATE DEPARTMENT, AND THE RAC VENDOR
9 MUST PARTICIPATE IN AN INFORMAL RECONSIDERATION BEFORE THE
10 PROVIDER MAY FORMALLY APPEAL THE STATE DEPARTMENT'S
11 DETERMINATION. TO PARTICIPATE IN AN INFORMAL CONSIDERATION, THE
12 FOLLOWING REQUIREMENTS MUST BE SATISFIED:

13 (A) WITHIN SIXTY DAYS OF RECEIVING THE NOTICE OF INFORMAL
14 RECONSIDERATION, THE PROVIDER MUST SUBMIT ALL MEDICAL RECORDS
15 RELEVANT TO THE CLAIMS AND THE REASONING FOR THE PROVIDER'S
16 DISAGREEMENT CONCERNING THE PRELIMINARY AUDIT FINDINGS. THE
17 MEDICAL RECORDS MUST SUBSTANTIATE THE PROVIDER'S ARGUMENT TO
18 DISPUTE ANY PRELIMINARY FINDINGS TO ALLOW THE STATE DEPARTMENT
19 AND THE RAC VENDOR TO RECONSIDER THE FINDINGS, AND THE
20 DEPARTMENT AND THE RAC VENDOR MUST REVIEW MEDICAL RECORDS
21 PRIOR TO THE INFORMAL RECONSIDERATION MEETING;

22 (B) THE STATE DEPARTMENT MUST SCHEDULE AN INFORMAL
23 RECONSIDERATION MEETING BETWEEN MUTUALLY AGREED UPON
24 PARTICIPANTS FROM THE STATE DEPARTMENT, RAC VENDOR, AND
25 PROVIDER REPRESENTATIVES AT A MUTUALLY AGREED UPON DATE AND
26 TIME WITHIN NINETY DAYS OF ISSUING THE NOTICE OF INFORMAL
27 RECONSIDERATION, ALTHOUGH EITHER PARTY MAY REQUEST A SIXTY-DAY
28 EXTENSION; AND

29 (C) ALL AGREED UPON ATTENDEES MUST PARTICIPATE IN THE
30 INFORMAL RECONSIDERATION MEETING IN GOOD FAITH IN AN EFFORT TO
31 RESOLVE THE DISPUTE.

32 (V) IF A CLAIM REMAINS IN DISPUTE AFTER THE INFORMAL
33 RECONSIDERATION MEETING, THE STATE DEPARTMENT MUST ISSUE A
34 NOTICE OF ADVERSE ACTION WITHIN SIXTY DAYS OF THE INFORMAL
35 RECONSIDERATION MEETING. THE NOTICE OF ADVERSE ACTION MUST
36 INCLUDE THE BASIS OF THE ALLEGED OVERPAYMENT, THE RATIONALE FOR
37 THE ALLEGED OVERPAYMENT, THE METHODOLOGY USED TO CALCULATE
38 THE ALLEGED OVERPAYMENT, AND INFORMATION ON WHY THE STATE
39 DEPARTMENT DID NOT AGREE WITH THE PROVIDER'S APPROACH.

40 (VI) WITHIN THIRTY DAYS OF RECEIVING A NOTICE OF ADVERSE
41 ACTION, THE PROVIDER MAY REQUEST A FORMAL APPEAL, WHICH MUST
42 INCLUDE AN EXPLANATION OF THE BASIS OF THE APPEAL IN ACCORDANCE
43 WITH RULES ADOPTED BY THE STATE DEPARTMENT.

1 (VII) THE STATE DEPARTMENT MUST NOT RECOVER AN
2 OVERPAYMENT IDENTIFIED IN THE PRELIMINARY FINDINGS FROM A
3 PROVIDER UNTIL THE INFORMAL RECONSIDERATION PROCESS, AND
4 SUBSEQUENT FORMAL APPEAL, IF FILED, ARE COMPLETE.

5 (VIII) IF THE STATE DEPARTMENT HAS NOT ISSUED A NOTICE OF
6 ADVERSE ACTION ONE HUNDRED TWENTY DAYS FOLLOWING THE INFORMAL
7 RECONSIDERATION MEETING, THE STATE DEPARTMENT WAIVES ITS RIGHT
8 TO RECOVER THE STATE SHARE OF THE OVERPAYMENT."

9 Reletter succeeding paragraphs accordingly.

10 Page 16, line 27, strike "(3.3)(o)(I)" and substitute "(3.3)(n)(I)".

11 Page 19, line 11, strike "(3.3)(t)" and substitute "(3.3)(s)".

12 Page 19, line 27, strike "(3.3)(m)" and substitute "(3.3)(n)".

13 Page 20, line 23, strike "(3.3)(t)," and substitute "(3.3)(s),".

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