

As Reported by the House Health Committee

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Am. Sub. S. B. No. 162

Senator Blessing

Cosponsors: Senators Liston, Blackshear, Chavez, Cirino, Craig, DeMora, Hicks-Hudson, Ingram, Johnson, Reineke, Smith, Weinstein

Representatives Schmidt, Somani, White, A.

To amend section 3901.388 of the Revised Code 1
regarding the timeframe for health insurer 2
recoupment from health care providers. 3

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

Section 1. That section 3901.388 of the Revised Code be 4
amended to read as follows: 5

Sec. 3901.388. (A) A payment made by a third-party payer 6
to a provider in accordance with sections 3901.381 to 3901.386 7
of the Revised Code shall be considered final ~~two years~~one year 8
after payment is made. After that date, the amount of the 9
payment is not subject to adjustment, except in the case of 10
fraud by the provider. 11

(B) A third-party payer may recover the amount of any part 12
of a payment that the third-party payer determines to be an 13
overpayment if the recovery process is initiated not later than 14
~~two years~~one year after the payment was made to the provider. 15
The third-party payer shall inform the provider of its 16
determination of overpayment by providing notice in accordance 17
with division (C) of this section. The third-party payer shall 18

give the provider an opportunity to appeal the determination and 19
shall not charge the provider a fee for an appeal. If the 20
provider fails to respond to the notice ~~sooner than thirty~~ 21
within sixty days after the notice is made, ~~elects not to appeal~~ 22
~~the determination,~~ or appeals the determination but the appeal 23
is ~~not upheld~~denied, the third-party payer may initiate recovery 24
of the overpayment. 25

When a provider has failed to make a timely response to 26
the notice of the third-party payer's determination of 27
overpayment, the third-party payer may recover the overpayment 28
by deducting the amount of the overpayment from other payments 29
the third-party payer owes the provider or by taking action 30
pursuant to any other remedy available under the Revised Code. 31
When a provider ~~elects not to appeal a determination of~~ 32
~~overpayment or~~ appeals the determination but the appeal is ~~not~~ 33
~~upheld~~denied, the third-party payer shall permit a provider to 34
repay the amount by making one or more direct payments to the 35
third-party payer or by having the amount deducted from other 36
payments the third-party payer owes the provider. 37

~~(C)~~(C) (1) The notice of overpayment a third-party payer is 38
required to give a provider under division (B) of this section 39
shall be made in ~~writing~~ accordance with division (C) (2) of this 40
section and shall specify all of the following: 41

~~(1)~~(a) The full name of the beneficiary who received the 42
health care services for which overpayment was made; 43

~~(2)~~(b) The date or dates the services were provided; 44

~~(3)~~(c) The amount of the overpayment; 45

~~(4)~~(d) The claim number or other pertinent numbers; 46

~~(5)~~(e) A detailed explanation of basis for the third-party 47

payer's determination of overpayment; 48

~~(6)~~(f) The method in which payment was made, including, 49
for tracking purposes, the date of payment and, if applicable, 50
the check number; 51

~~(7)~~(g) That the provider may appeal the third-party 52
payer's determination of overpayment, if the provider responds 53
to the notice within ~~thirty~~ sixty days; 54

~~(8)~~(h) The method by which recovery of the overpayment 55
would be made, if recovery proceeds under division (B) of this 56
section. 57

(2) A third-party payer shall give a provider a notice of 58
overpayment in writing. If the third-party payer and provider 59
use an agreed-upon established electronic notification system, 60
the third-party payer shall notify the provider electronically 61
through that system. 62

(D) Any provision of a contractual arrangement entered 63
into between a third-party payer and a provider or beneficiary 64
that is contrary to divisions (A) to (C) of this section is 65
unenforceable. 66

Section 2. That existing section 3901.388 of the Revised 67
Code is hereby repealed. 68