

**As Introduced**

**136th General Assembly  
Regular Session  
2025-2026**

**S. B. No. 162**

**Senator Blessing**

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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) (1) A payment made by a third-party 6  
payer to a provider in accordance with sections 3901.381 to 7  
3901.386 of the Revised Code shall be considered final ~~two years~~ 8  
~~after~~ upon the conclusion of a time period, beginning on the 9  
date payment is made and ending on the date that occurs after 10  
the same number of days the health plan issuer grants for the 11  
filing of provider claims. After that date, the amount of the 12  
payment is not subject to adjustment, except in the case of 13  
fraud by the provider. 14

(2) No third-party payer shall change its payment, audit, 15  
or review timelines during the contract period. 16

(B) A third-party payer may recover the amount of any part 17  
of a payment that the third-party payer determines to be an 18  
overpayment if the recovery process is initiated ~~not later than~~ 19  
~~two years after the payment was made to the provider~~ within the 20

period of time described in division (A) (1) of this section. The 21  
third-party payer shall inform the provider of its determination 22  
of overpayment by providing notice in accordance with division 23  
(C) of this section. The third-party payer shall give the 24  
provider an opportunity to appeal the determination and shall 25  
not charge the provider a fee for an appeal. If the provider 26  
fails to respond to the notice sooner than thirty days after the 27  
notice is made, elects not to appeal the determination, or 28  
appeals the determination but the appeal is not upheld, the 29  
third-party payer may initiate recovery of the overpayment. 30

When a provider has failed to make a timely response to 31  
the notice of the third-party payer's determination of 32  
overpayment, the third-party payer may recover the overpayment 33  
by deducting the amount of the overpayment from other payments 34  
the third-party payer owes the provider or by taking action 35  
pursuant to any other remedy available under the Revised Code. 36  
When a provider elects not to appeal a determination of 37  
overpayment or appeals the determination but the appeal is not 38  
upheld, the third-party payer shall permit a provider to repay 39  
the amount by making one or more direct payments to the third- 40  
party payer or by having the amount deducted from other payments 41  
the third-party payer owes the provider. 42

(C) The notice of overpayment a third-party payer is 43  
required to give a provider under division (B) of this section 44  
shall be made in writing and shall specify all of the following: 45

(1) The full name of the beneficiary who received the 46  
health care services for which overpayment was made; 47

(2) The date or dates the services were provided; 48

(3) The amount of the overpayment; 49

(4) The claim number or other pertinent numbers;	50
(5) A detailed explanation of basis for the third-party payer's determination of overpayment;	51 52
(6) The method in which payment was made, including, for tracking purposes, the date of payment and, if applicable, the check number;	53 54 55
(7) That the provider may appeal the third-party payer's determination of overpayment, if the provider responds to the notice within thirty days;	56 57 58
(8) The method by which recovery of the overpayment would be made, if recovery proceeds under division (B) of this section.	59 60 61
(D) Any provision of a contractual arrangement entered into between a third-party payer and a provider or beneficiary that is contrary to divisions (A) to (C) of this section is unenforceable.	62 63 64 65
<b>Section 2.</b> That existing section 3901.388 of the Revised Code is hereby repealed.	66 67