



Rep. Emily McAsey

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09800SB1330ham001

LRB098 02585 KTG 46158 a

1 AMENDMENT TO SENATE BILL 1330

2 AMENDMENT NO. _____. Amend Senate Bill 1330 as follows:

3 on page 26, immediately below line 10, by inserting the
4 following:

5 "(E-10) A vendor who disputes an overpayment identified as
6 part of a Department audit shall utilize the Department's
7 self-referral disclosure protocol as set forth under this Code
8 to identify, investigate, and return to the Department any
9 undisputed audit overpayment amount. Unless the disputed
10 overpayment amount is subject to a fraud payment suspension, or
11 involves a termination sanction, the Department shall defer the
12 recovery of the disputed overpayment amount up to one year
13 after the date of the Department's final audit determination,
14 or earlier, or as required by State or federal law. If the
15 administrative hearing extends beyond one year, and such delay
16 was not caused by the request of the vendor, then the
17 Department shall not recover the disputed overpayment amount

1 until the date of the final administrative decision. If a final
2 administrative decision establishes that the disputed
3 overpayment amount is owed to the Department, then the amount
4 shall be immediately due to the Department. The Department
5 shall be entitled to recover interest from the vendor on the
6 overpayment amount from the date of the overpayment through the
7 date the vendor returns the overpayment to the Department at a
8 rate not to exceed the Wall Street Journal Prime Rate, as
9 published from time to time, but not to exceed 5%. Any interest
10 billed by the Department shall be due immediately upon receipt
11 of the Department's billing statement."