

House Bill 4125

Sponsored by Representative BUEHLER (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Oregon Health Authority to recover, in three calendar months after effective date of Act, all overpayments to coordinated care organizations. Requires Governor to order independent investigation into causes of and persons responsible for overpayments or any other mismanagement of medical assistance funds.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to erroneous expenditures of medical assistance funds; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a) "Coordinated care organization" has the meaning given that term in ORS 414.025.

(b) "Global budget" has the meaning given that term in ORS 414.025.

(c) "Overpayment" means the amount of a global budget paid to a coordinated care organization that exceeds the amount of a global budget for the coordinated care organization that:

(A) Is actuarially sound according to standards prescribed by the Centers for Medicare and Medicaid Services by rule and in effect on the date the global budget is paid; and

(B) Takes into account members of the coordinated care organization who are eligible for both Medicare and Medicaid.

(2)(a) Not later than three calendar months after the effective date of this 2018 Act, the Oregon Health Authority shall recover all overpayments made to coordinated care organizations.

(b) The authority must recover an overpayment regardless of whether the Centers for Medicare and Medicaid Services permitted the authority to pay the global budget when the authority issued the payment.

(c) The authority shall recover all overpayments without any deduction of any portion of the global budget that may be owed by and recovered from the Centers for Medicare and Medicaid Services or any other third party.

(3) The Governor shall, without delay, order an independent investigation into:

(a) The cause of all overpayments recovered under this section;

(b) Whether any funds appropriated by the Legislative Assembly for the medical assistance program have been mismanaged by the authority; and

(c) The persons responsible for the overpayments and mismanagement of funds.

(4) No later than September 21, 2018, the Governor and the authority shall provide full and detailed reports to the interim committees of the Legislative Assembly related to health on the findings of the independent investigation described in subsection (3) of this section

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **and on all overpayments pursued in accordance with this section.**

2 **SECTION 2. Section 1 of this 2018 Act is repealed on January 2, 2020.**

3 **SECTION 3. This 2018 Act being necessary for the immediate preservation of the public**
4 **peace, health and safety, an emergency is declared to exist, and this 2018 Act takes effect**
5 **on its passage.**

6
