

House Bill 206

By: Representatives Kelley of the 16th, Welch of the 110th, Collins of the 68th, Oliver of the 82nd, Hogan of the 179th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 26-4-118 of the Official Code of Georgia Annotated, "The Pharmacy
2 Audit Bill of Rights," so as to remove an exception relating to certain audits conducted by
3 the Department of Community Health; to amend Article 7 of Chapter 4 of Title 49 of the
4 Official Code of Georgia Annotated, relating to medical assistance generally, so as to provide
5 that clerical or other errors do not constitute a basis to recoup payments made by providers
6 of medical assistance; to provide for a correction period; to provide for related matters; to
7 repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Code Section 26-4-118 of the Official Code of Georgia Annotated, "The Pharmacy Audit Bill
11 of Rights," is amended by revising subsection (g) as follows:

12 ~~"(g) The provisions of paragraph (3) of subsection (b) of this Code section shall not apply
13 to the Department of Community Health conducting audits under Article 7 of Chapter 4 of
14 Title 49. Reserved."~~

15 style="text-align:center">**SECTION 2.**

16 Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to
17 medical assistance generally, is amended by adding a new Code section to read as follows:

18 "49-4-151.1.

19 (a) Any clerical or record-keeping error, including but not limited to a typographical error,
20 scrivener's error, or computer error; any unintentional error or omission in billing, coding,
21 or required documentation; or any isolated instances of incomplete documentation by a
22 provider of medical assistance regarding reimbursement for medical assistance provided
23 shall not in and of itself constitute fraud or constitute a basis to recoup full payment for
24 medical assistance provided. No such claim shall be subject to criminal penalties without
25 proof of intent to commit fraud. No recoupment of the cost of medical assistance provided

26 shall be allowed if such error, omission, or incomplete documentation has occurred and
27 been resolved in accordance with subsection (b) of this Code section; provided, however,
28 that recoupment shall be allowed to the extent that the error, omission, or incomplete
29 documentation resulted in an overpayment, though recoupment shall be limited to the
30 amount overpaid.

31 (b) A provider of medical assistance shall be allowed 30 days following notice to the
32 provider of an error, omission, or incomplete documentation identified pursuant to an audit
33 or review process in which to correct such error or omission or to complete such
34 documentation.

35 (c) A provider of medical assistance shall be afforded the right to a hearing in accordance
36 with Code Section 49-4-153 for any attempted withholding of reimbursement or
37 recoupment by the department or its agents relating to an error, omission, or incomplete
38 documentation relating to the provision of medical assistance."

39 **SECTION 3.**

40 All laws and parts of laws in conflict with this Act are repealed.