

1.1 **Department of Human Services**

1.2 **Proposed Permanent Rule Relating to Medical Assistance Retroactive Billing**

1.3 **9505.0450 BILLING PROCEDURES; GENERAL.**

1.4 Subpart 1. **Billing for usual and customary fee.** A provider shall bill the department
1.5 for the provider's usual and customary fee only after the provider has provided the health
1.6 service to the recipient.

1.7 Subp. 2. **Time requirements for claim submission.** Except as in subpart 4, a
1.8 provider shall submit a claim for payment no later than 12 months after the date of service
1.9 to the recipient and shall submit a request for an adjustment to a payment no later than six
1.10 months after the payment date. The department has no obligation to pay a claim or make an
1.11 adjustment to a payment if the provider does not submit the claim within the required time.

1.12 Subp. 3. **Retroactive billing.** If the recipient is retroactively eligible for medical
1.13 assistance and notifies the provider of the retroactive eligibility, the provider may bill the
1.14 department the provider's usual and customary charge. If the recipient paid any portion of
1.15 the provider's usual and customary charge during this period, the provider must reimburse
1.16 the recipient the actual amount paid by the recipient but not more than the amount paid to
1.17 the provider by medical assistance. Failure of the provider to comply with this part shall
1.18 not be appealable by the recipient under Minnesota Statutes, section 256.045.

1.19 Subp. 4. **Exceptions to time requirements.** A provider may submit a claim for
1.20 payment more than 12 months after the date of service to the recipient if one of the
1.21 circumstances in items A to D exists. The department shall pay the claim if it satisfies
1.22 the other requirements of a claim for a covered service.

1.23 A. The medical assistance claim was preceded by a claim for payment under
1.24 Medicare which was filed according to Medicare time limits. To be eligible for payment,
1.25 the claim must be presented to the department within six months of the Medicare
1.26 determination.

2.1 B. Medical assistance payment of the claim is ordered by the court and a copy
2.2 of the court order accompanies the claim or an appeal under Minnesota Statutes, section
2.3 256.045, is upheld. To be eligible for payment, the claim must be presented within six
2.4 months of the court order.

2.5 C. The provider's claim for payment was rejected because the department
2.6 received erroneous or incomplete information about the recipient's eligibility. To be
2.7 eligible for payment, the provider must resubmit the claim to the department within six
2.8 months of the erroneous determination, together with a copy of the original claim, a copy
2.9 of the corresponding remittance advice, and any written communication the provider has
2.10 received from the local agency about the claim. The local agency must verify to the
2.11 department the recipient's eligibility at the time the recipient received the service.

2.12 D. The provider's claim for payment was erroneously rejected by the
2.13 department. To be eligible for payment, the provider must resubmit the claim within six
2.14 months of receipt of the notice of the erroneous determination by sending the department a
2.15 copy of the original claim, a copy of the remittance advice, any written communication
2.16 about the claim sent to the provider by the local agency or department, and documentation
2.17 that the original claim was submitted within the 12-month limit in subpart 2.

2.18 Subp. 5. **Format of claims.** To be eligible for payment, a provider must enter on
2.19 the claim the diagnosis and procedure codes required by the department and submit the
2.20 claim on forms or in the format specified by the department. The provider must include
2.21 with the claim information about a required prior authorization or second surgical opinion.
2.22 Further, the provider shall submit with the claim additional records or reports requested by
2.23 the department as necessary to determine compliance with parts 9505.0170 to 9505.0475.

2.24 Subp. 6. **Repeated submission of nonprocessable claims.** A provider's repeated
2.25 submission of claims that cannot be processed without obtaining additional information

3.1 shall constitute abuse and shall be subject to the sanctions available under parts
3.2 9505.2160to 9505.2245.

3.3 Subp. 7. **Direct billing by provider.** Except as in parts 9505.0070 and 9505.0440,
3.4 a provider or the provider's business agent as in part 9505.0455 shall directly bill the
3.5 department for a health service to a recipient.