

Minnesota Department of Human Services
Health Care Administration, Member and Provider Services

REQUEST FOR COMMENTS

Possible Amendment to Rules Governing Retroactive Billing, *Minnesota Rules*, Part 9505.0450, Subpart 3; Revisor's ID Number 4415

Subject of Rules. The Minnesota Department of Human Services requests comments on its proposed amendment to the rules governing retroactive billing for medical assistance providers and reimbursement of medical assistance recipients at part 9505.0540, subpart 3. Under the current rule, if a recipient was determined retroactively eligible for medical assistance, and has made payments to a provider for services received during a retroactive eligibility time period, the provider has the option of billing medical assistance and refunding the recipient, but only up to the amount paid by medical assistance. The proposed rules amendment would require providers to reimburse recipients for any amounts paid by a recipient for covered services during a retroactive period, regardless of whether the provider bills medical assistance or the amount paid by medical assistance. The amendment would also allow the recipient to appeal a provider's failure to refund the recipient.

The Department believes that with the amendment the rules part will better align with federal requirements regarding retroactive coverage.

Persons Affected. The amendment to the rules would likely affect medical assistance providers, and recipients who seek retroactive eligibility for payments submitted to providers for services received.

Statutory Authority. *Minnesota Statutes*, section 256B.04, subdivision 2, requires the Department to establish "uniform rules and regulations, not inconsistent with law" to ensure that the medical assistance program will be carried out in an efficient, economic, and impartial manner.

Public Comment. Interested persons or groups may submit comments or information on the possible rules amendment in writing or orally until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. The Department will not publish a notice of intent to adopt the rules as amended until more than 60 days have elapsed from the date of this request for comments. The Department does not plan to appoint an advisory committee to comment on the proposed amendment.

Rules Drafts. The Department has drafted the possible rules amendment, which is included at the end of this notice. Interested persons can also obtain a copy of the draft rules from the department contact person listed below.

Department Contact Person. Written or oral comments, questions, requests to receive a draft of the rules, and requests for more information on this possible rules amendment should be directed to:

Vanessa Vogl
Minnesota Department of Human Services
PO Box 64254
Saint Paul, MN 55164-0254
(651) 431-2843
TTY users may call the Department at (800) 627-3529
vanessa.vogl@state.mn.us

You can also submit written comments via the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com/discussions>.

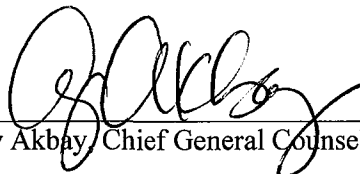
Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the Department contact person listed above.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The Department is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated:

1/12/17

FOR THE COMMISSIONER OF HUMAN SERVICES:


Amy Akbay, Chief General Counsel