

Kansas Administrative Regulations

Kansas Department for Children and Families

Article 5.—Provider Participation, Scope of Services, and Reimbursements for the Medicaid (Medical Assistance) Program

30-5-61a. Withholding of payments to medical providers.

(a) Payments otherwise authorized to be made to medical providers shall be withheld, in full or in part, by the agency when:

(1) The agency has determined that the provider to whom payments are to be made has been overpaid;

(2) the agency has reliable evidence, although additional evidence may be needed for a determination, that an overpayment exists or that the payment to be made may not be correct; or

(3) the agency has been instructed by the department of health and human services (HHS) to withhold all or part of the federal share from payment to a medical provider.

(b) A withholding action shall become effective immediately unless a later date is set forth in the letter of notification. The agency, no later than the effective date of the withholding action, shall send written notification of the withholding and the reasons therefor to the affected medical provider.

(c) A withholding action shall remain in effect until:

(1) The overpayment is recouped from the amount withheld or is otherwise recovered;

(2) the agency enters into an agreement with the provider for recovery of the over payment;

(3) the agency, on the basis of subsequently acquired evidence or otherwise, determines that there is no overpayment; or

(4) the agency is otherwise notified by HHS if the withholding action is pursuant to federal instructions. No payment for the withheld federal share shall be made to any medical provider unless the agency receives notification from HHS to do otherwise.

(d) Whenever payments to a medical provider are withheld pursuant to paragraph (a)(2), the agency shall take timely action to obtain any additional evidence the agency may need to make a determination as to whether an overpayment exists or whether payments should be made. The agency shall make all reasonable efforts to expedite the determination. As soon as the determination has been made, the provider shall be informed and, when appropriate, the withholding action shall be rescinded or adjusted to take into account the determination. If not rescinded, the withholding action shall remain in effect as specified in paragraph (c) above.

(Authorized by and implementing K.S.A. 1983 Supp. 39-708c; effective May 1, 1984.)

***** Authenticated Kansas Administrative Regulation *****