



Ohio Revised Code

Section 5160.401 Finality of payments.

Effective: September 29, 2017

Legislation: House Bill 49 - 132nd General Assembly

(A) A payment made by a third party under division (B)(5) of section 5160.40 of the Revised Code on a claim for payment of a medical item or service provided to a medical assistance recipient is final on the date that is two years after the payment was made to the department of medicaid or the applicable medicaid managed care organization. After a claim is final, the claim is subject to adjustment only if an action for recovery of an overpayment was commenced under division (B) of this section before the date the claim became final and the recovery is agreed to by the department or medicaid managed care organization under division (C) of this section.

(B) If a third party determines that it overpaid a claim for payment, the third party may seek to recover all or part of the overpayment by filing a notice of its intent to seek recovery with the department or medicaid managed care organization, as applicable. The notice of recovery must be filed in writing before the date the payment is final. The notice must specify all of the following:

- (1) The full name of the medical assistance recipient who received the medical item or service that is the subject of the claim;
- (2) The date or dates on which the medical item or service was provided;
- (3) The amount allegedly overpaid and the amount the third party seeks to recover;
- (4) The claim number and any other number the department or medicaid managed care organization has assigned to the claim;
- (5) The third party's rationale for seeking recovery;
- (6) The date the third party made the payment and the method of payment used;
- (7) If payment was made by check, the check number;



(8) Whether the third party would prefer to receive the amount being sought by obtaining a payment from the department or medicaid managed care organization, either by check or electronic means, or by offsetting the amount from a future payment to be made to the department or medicaid managed care organization.

(C) If the department or appropriate medicaid managed care organization determines that a notice of recovery was filed before the claim for payment is final and agrees to the amount sought by the third party, the department or medicaid managed care organization, as applicable, shall notify the third party in writing of its determination and agreement. Recovery of the amount shall proceed in accordance with the method specified by the third party pursuant to division (B)(8) of this section.