



158304

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2009	.	
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The Committee on Criminal Justice (Dean) recommended the following:

Senate Amendment

Delete lines 901 - 922
and insert:
prior to the start of any investigation.

(22) The audit report, supported by agency work papers, showing an overpayment to a provider constitutes evidence of the overpayment. A provider may not present or elicit testimony, either on direct examination or cross-examination in any court or administrative proceeding, regarding the purchase or acquisition by any means of drugs, goods, or supplies; sales or



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12 divestment by any means of drugs, goods, or supplies; or
13 inventory of drugs, goods, or supplies, unless such acquisition,
14 sales, divestment, or inventory is documented by written
15 invoices, written inventory records, or other competent written
16 documentary evidence maintained in the normal course of the
17 provider's business. Notwithstanding the applicable rules of
18 discovery, all documentation that will be offered as evidence at
19 an administrative hearing on a Medicaid overpayment must be
20 exchanged by all parties at least 14 days before the
21 administrative hearing or must be excluded from consideration.
22 The documentation or data that a provider may rely upon or
23 present as evidence that an overpayment has not occurred must
24 have been created prior to the start of any agency
25 investigation, and must be made available to the agency