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An Act Regarding Responsibility for the Overpayment of Claims

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 24-A MRSA §2436-C is enacted to read:

§ 2436-C. Overpayment of claims

An insurer that has overpaid on a claim for payment of benefits under a policy or certificate of insurance delivered or issued for delivery in this State is subject to the following requirements.

1. Collection from provider. If the claim was paid to a provider, an insurer shall retroactively seek collection of any overpayment directly from the provider.

2. Collection from insured. An insurer may not attempt to retroactively collect any overpayment with respect to a claim from an insured unless the insured was already paid directly for the services identified in the claim and the insured did not forward payment to the provider.

SUMMARY

This bill requires an insurer who overpays a claim to attempt to retroactively collect that overpayment directly from the provider, not the insured, unless the insured was directly paid by the insurer for the services identified in the claim and the insured did not forward payment to the provider.