



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

---

Legislative Document

No. 291

---

H.P. 215

House of Representatives, January 22, 2019

### **An Act Regarding Responsibility for the Overpayment of Claims**

---

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative RILEY of Jay.  
Cosponsored by Senator SANBORN, H. of Cumberland and  
Representatives: TEPLER of Topsham, TERRY of Gorham.

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

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

3 **§2436-C. Overpayment of claims**

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

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

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

13 **SUMMARY**

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