



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 739

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H.P. 544

House of Representatives, March 5, 2021

### **An Act Regarding Credible Allegations of Fraud by MaineCare Providers**

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Reference to the Committee on Health and Human Services suggested and ordered printed.

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

ROBERT B. HUNT  
Clerk

Presented by Representative O'CONNOR of Berwick.  
Cosponsored by Representatives: DOLLOFF of Milton Township, GIFFORD of Lincoln,  
GRIFFIN of Levant, GRIGNON of Athens, JAVNER of Chester, PARRY of Arundel,  
RUDNICKI of Fairfield, STEARNS of Guilford.

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

**Sec. 1. 22 MRSA §1714-E, sub-§4,** as reallocated by RR 2011, c. 2, §25, is amended to read:

**4. Final determination; offset.** Upon a final determination that ~~fraud has occurred~~ an allegation of fraud has been established and that money is owed by the MaineCare provider to the department, and ~~31~~ 21 days after exhaustion of all administrative appeals ~~and any judicial review available under Title 5, chapter 375,~~ the department may retain and apply as an offset to amounts determined to be owed to the department any payments to the provider that were suspended by the department pursuant to this section. The amount retained pursuant to this subsection may not exceed the amount determined finally to be owed.

**SUMMARY**

This bill allows the Department of Health and Human Services, after a final determination that an allegation of fraud concerning a MaineCare provider has been established, rather than that fraud has occurred, to retain and apply as an offset to amounts determined to be owed to the department any payments to the provider that were suspended by the department. This bill also decreases from 31 days to 21 days after exhaustion of all administrative appeals when the department may take that action and removes reference to judicial review.