

OFFICIAL

SECTION 4 – GENERAL PROGRAM ADMINISTRATION

4.5 Medicaid Recovery Audit Contractor Program (Exceptions)

<u>Citation</u>	<u>Exception from Medicaid RAC 3-year Look Back Period</u>
<u>42 CFR 455.508(f)</u>	<p><u>New York State requests an exception to the 3-year look back period for the Medicaid RAC program defined in section 455.508. Subparagraph (f) states, "The entity must not review claims that are older than 3 years from the date of the claim, unless it receives approval from the State."</u></p> <p><u>New York State regulations (18 NYCRR Section 504.3) require providers "to prepare and to maintain contemporaneous records demonstrating its right to receive payment under the medical assistance program and to keep for a period of six years from the date the care, services or supplies were furnished, all records necessary to disclose the nature and extent of services furnished and all information regarding claims for payment submitted by, or on behalf of, the provider and to furnish such records and information, upon request, to the department, the Secretary of the United States Department of Health and Human Services, the Deputy Attorney General for Medicaid Fraud Control and the New York State Department of Health".</u></p> <p><u>The State requests the ability to grant a look back period for the Medicaid RAC up to six years, upon State approval of the RAC scenario, for the following reasons:</u></p> <ul style="list-style-type: none"><u>• Claim specific detail may be present documenting an overpayment exists for periods beyond the three-years specified in Section 42 CFR 455.508(f);</u><u>• A look-back period longer than three years is more consistent with Medicaid provider record retention requirements required by New York State regulatory agencies; and</u><u>• A longer look-back period will allow for additional efficiencies for both the state and provider when a single effort can review and recover an identified overpayment rather than leveraging multiple entities to review and recover different time periods.</u> <p><u>This exception will only apply to reviews based on actual claim specific detail. Audits that require sampling and extrapolation will continue to be limited to the 3-year look back period.</u></p>

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MAR 19 2013

Effective Date

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