

Proposed Section 4 – GENERAL PROGRAM ADMINISTRATION
4.5 Medicaid Recovery Audit Contractor (RAC) Program

The Medicaid agency has established and will maintain methods, criteria, and procedures that meet all requirements of 42 CFR 455.13 through 455.23 for prevention and control of program fraud and abuse.

<p><u>Citation</u></p> <p>Section 1902(a)(42)(B)(i) of the Social Security Act</p> <p>Section 1902 (a)(42)(B)(ii)(I) of the Act</p> <p>Section 1902(a)(42)(B)(ii)(II) (aa) of the Act</p>	<p><input checked="" type="checkbox"/> The State has established a program under which it will contract with one or more Recovery Audit Contractors (RACs) for the purpose of identifying underpayments and overpayments of Medicaid claims under the State plan and under any waiver of the State plan</p> <ul style="list-style-type: none">• The State received an exemption approval from CMS for SPA 20-0017 on April 21, 2020, which will expire on February 1, 2022. The State has entered into a contract to reinstate RAC activities in accordance with Federal regulations. Therefore, RAC activities will resume on February 1, 2022. <p><input type="checkbox"/> The State is seeking an exception extension to establishing such program for the following reasons:</p> <p><input checked="" type="checkbox"/> The State/Medicaid agency will have contracts of the type(s) listed in section 1902(a)(42)(B)(ii)(I) of the Act. All contracts will meet the requirements of the statute. RACs are consistent with the statute.</p> <p>Place a check mark to provide assurance of the following:</p> <p><input type="checkbox"/> The State will make payments to the RAC(s) only from amounts recovered.</p> <p><input checked="" type="checkbox"/> The State will make payments to the RAC(s) on contingent basis for collecting overpayments</p> <p>The following payment methodology shall be used to determine State payments to Medicaid RACs for identification and recovery of overpayments (e.g. the percentage of the contingency fee)</p> <p><input type="checkbox"/> The State attests that if the contingency fee rate paid to the Medicaid RAC will exceed the highest rate paid to Medicare RACs, as published in the Federal Register. The State will only submit for FFP up to the amount equivalent to that published rate.</p>
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Section 1902(a)(42)(B)(ii)(II)(bb) of the Act	<input checked="" type="checkbox"/> The following payment methodology shall be used to determine State payments to Medicaid RACs for the identification of underpayments/overpayments (e.g. amount of flat fee, the percentage of the contingency fee):
Section 1902(a)(42)(B)(ii)(III) of the Act	<p>The percentage of the contingency fee. 12.5% for overpayments and 10.5% for underpayments.</p> <input type="checkbox"/> The State will submit a justification seeking to pay the Medicaid RAC(s) a contingency fee higher than the highest contingency fee rate paid to Medicare RACs as published in the Federal Register.
Section 1902(a)(42)(B)(ii)(IV)(aa) of the Act	<input checked="" type="checkbox"/> The State has an adequate appeal process in place for entities to appeal any adverse determination made by the Medicaid RAC(s).
Section 1902(a)(42)(B)(ii)(IV)(bb) of the Act	<input checked="" type="checkbox"/> The State assures that the amounts expended by the State to carry out the program will be amounts expended as necessary for the proper and efficient administration of the State plan or a waiver of the plan.
Section 1902(a)(42)(B)(ii)(IV)(cc) of the Act	<input checked="" type="checkbox"/> The State assures that the recovered amounts will be subject to a State's quarterly expenditure estimates and funding of the State's share.
Section 1902(a)(42)(B)(ii)(IV)(cc) of the Act	<input checked="" type="checkbox"/> Efforts of the Medicaid RAC(s) will be coordinated with other contractors or entities performing audits of entities receiving payments under the State plan or waiver in the State, and/or State and Federal law enforcement entities and the CMS Medicaid Integrity Program.

Revision: 36b
State/Territory California

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RESERVED FOR FUTURE USE

TN No.: 21-0067
Supersedes
TN No.: 20-0017

Approval Date: 1/20/2022

Effective Date: 2/1/2022

Revision: 36c
State/Territory California

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