

**9505.2215 MONETARY RECOVERY.**

Subpart 1. **Authority to seek monetary recovery.** The commissioner shall seek monetary recovery:

A. from a vendor, if payment for a recipient's health service under a program was the result of fraud, theft, abuse, or error on the part of the vendor, department, or local agency; or

B. from a recipient, if payment for a health service provided under a program was the result of fraud, theft, abuse, or error on the part of the recipient absent a showing that recovery would, in that particular case, be unreasonable or unfair.

Subp. 2. **Methods of monetary recovery.** The commissioner shall recover money described in subpart 1 by the following means:

A. permitting voluntary repayment of money, either in lump sum payment or installment payments;

B. using any legal collection process;

C. deducting or withholding program payments; and

D. withholding payments to a provider under Code of Federal Regulations, title 42, section 447.31.

Subp. 3. **Interest charges on monetary recovery.** If the department permits the use of installment payments to repay money described in subpart 1, the department may assess interest on the funds to be received at the rate established by the Department of Revenue under Minnesota Statutes, section 270C.40. Interest may accrue from the effective date of recovery, as specified in part 9505.2230, subpart 2.

**Statutory Authority:** *MS s 256B.04; 256D.03*

**History:** *15 SR 2563; 19 SR 1898; L 2005 c 151 art 1 s 116; 33 SR 127*

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