



Rules of
Department of Mental Health
Division 25–Fiscal Management
Chapter 4–Vendor Procedures

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**Title 9—DEPARTMENT OF
MENTAL HEALTH
Division 25—Fiscal Management
Chapter 4—Vendor Procedures**

**9 CSR 25-4.040 Recovery of Overpay-
ments to Providers**

PURPOSE: This rule prescribes requirements for the collection of overpayments made by the department to providers and for the assessment of interest charges on overpayments.

(1) Providers that deliver care, treatment, habilitation or rehabilitation services to clients under contract with the department may receive payments in excess of or contrary to the provisions of the contract with the department. These overpayments are due immediately and must be repaid by the provider within forty-five (45) days after the overpayments are discovered or reasonably should have been discovered.

(2) Upon discovery of an overpayment, the department, shall notify the provider of the overpayment and the date the overpayment was or should have been discovered. The department shall determine whether the overpayment shall be repaid by applying a credit against a future payment due to the provider or by the provider issuing a refund to the department.

(3) Within fifteen (15) days of receipt of the notice of overpayments, a provider may request the division director for a review of the overpayment. The division director, in consultation with the deputy director administration, shall review the overpayment within fifteen (15) days of the request for review. The criteria which the division director shall consider in conducting the review include:

(A) Whether the overpayment was properly and reasonably determined;

(B) Whether extraordinary circumstances caused or resulted in the overpayments; and

(C) Whether the clients being served by the provider would be adversely impacted.

(4) If any overpayment is not fully repaid within forty-five (45) days of the due date, the department shall assess interest on the unpaid balance. Interest shall be charged beginning with the forty-sixth (46th) day after the due date at the rate of one and five tenths percent (1.5%) per month.

(5) If any overpayment plus interest is not fully repaid within six (6) months of the due date, the department may certify the amount due to the Department of Revenue, the Office

of the Attorney General, or take other collection actions.

(6) Payments received by the department shall first be applied to accrued interest and then to reduce the balance of the overpayment.

AUTHORITY: section 630.050, RSMo (1994).* Emergency rule filed Aug. 3, 1984, effective Aug. 13, 1984, expired Dec. 10, 1984. Original rule filed Sept. 10, 1984, effective Dec. 13, 1984. Amended: Filed July 17, 1995, effective Feb. 25, 1996.

*Original authority 1980, amended 1993.