

**SENATE  
STATE OF MINNESOTA  
NINETY-SECOND SESSION**

**S.F. No. 1128**

(SENATE AUTHORS: DRAHEIM)

DATE  
02/17/2021

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OFFICIAL STATUS  
Introduction and first reading  
Referred to Human Services Reform Finance and Policy

1.1 A bill for an act  
1.2 relating to health care; permitting providers of durable medical equipment,  
1.3 prosthetics, orthotics, or supplies to be held harmless for payments received over  
1.4 the federal allowable payment limit.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **OVERPAYMENTS FOR DURABLE MEDICAL EQUIPMENT,**  
1.7 **PROSTHETICS, ORTHOTICS, OR SUPPLIES.**

1.8 (a) Notwithstanding any other law to the contrary, providers who received payment for  
1.9 durable medical equipment, prosthetics, orthotics, or supplies between January 1, 2018, and  
1.10 June 30, 2019, that were subject to the upper payment limits under United States Code, title  
1.11 42, section 1396b(i)(27), shall not be required to repay any amount received in excess of  
1.12 the allowable amount to either the state or the Centers for Medicare and Medicaid Services.

1.13 (b) The state shall repay with state funds any amount owed to the Centers for Medicare  
1.14 and Medicaid Services for the federal financial participation amount received by the state  
1.15 for payments identified in paragraph (a) in excess of the amount allowed effective January  
1.16 1, 2018, and the state shall hold harmless the providers who received these payments from  
1.17 recovery of both the state and federal share of the amount determined to have exceeded the  
1.18 Medicare upper payment limit.

1.19 (c) Nothing in this section shall be construed to prohibit the commissioner from recouping  
1.20 past overpayments due to false claims or for reasons other than exceeding the Medicare  
1.21 upper payment limits or from recouping future overpayments including the recoupment of  
1.22 payments that exceed the upper Medicare payment limits.