

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

House Bill 5536

By Delegates Criss and Rohrbach

[Originating in the Committee on Finance; Reported
on February 19, 2024]

1 A BILL to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a
2 new section, designated §9-5-34, relating to assessment of interest on overpayments by
3 Bureau for Medical Services; establishing interest rate and method for accrual; and
4 retention of interest received.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-34. Interest on overpayments.

1 Except where otherwise provided by law, all overpayments due to programs administered
2 by the Bureau for Medical Services shall bear interest at the rate fixed and applied under §56-6-
3 31(b) of this code as provided in this section per annum. "Overpayment" is defined as an amount
4 paid for participation in the programs under the bureau's administration which exceeds the amount
5 that is allowable for the goods or services provided. Interest on overpayments shall be the sum of
6 the interest amounts calculated on the unpaid balance for each year or part thereof from the date
7 that an overpayment determination is finalized to the date the balance including accrued interest is
8 resolved, using the interest rate in effect for each respective year or part thereof. Interest collected
9 shall be retained by the fund from which the overpayment was made.