

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 5536**

By Delegates Criss and Rohrbach

[Introduced February 09, 2024; Referred to the  
Committee on Finance]

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 the assessment of interest on overpayments  
 3 by the Bureau for Medical Services; establishing an interest rate and method for accrual;  
 4 and the 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 of 8 percent per annum.  
 3 "Overpayment" is defined as an amount paid for participation in the programs under the bureau's  
 4 administration which exceeds the amount that is allowable for the goods or services provided.  
 5 Interest on overpayments shall be the sum of the interest amounts calculated on the unpaid  
 6 balance for each year or part thereof from the date that an overpayment determination is finalized  
 7 to the date the balance including accrued interest is resolved, using the interest rate in effect for  
 8 each respective year or part thereof. Interest collected shall be retained by the fund from which the  
 9 overpayment was made.

NOTE: The purpose of this bill is to provide for the assessment of interest on overpayments by the Bureau for Medical Services; establishing an interest rate and method for accrual; and the retention of interest received.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.