

OVERPAYMENTS RECOVERY

(a) General..... 1

(b) Authority..... 1

    (1) Federal statutory authority..... 1

    (2) Other authority..... 1

(c) Policy..... 2

(d) Appealability..... 2

(e) Delegation..... 2

(f) Recoupment of erroneous payments..... 2

    (1) Erroneous payments are expenditures of government funds, which are not authorized by law or this part..... 2

    (2) Scope..... 3

        (i) General..... 3

        (ii) Debtor defined..... 3

        (iii) Delinquency defined..... 3

    (3) Other health insurance claims..... 3

    (4) Claims denials due to clarification or change..... 3

    (5) Good faith payment..... 3

    (6) Recoupment procedures..... 4

        (i) Initial action..... 4

        (ii) Demand for payment..... 4

        (v) Collection by administrative offset..... 5

            (A) Referral for centralized administrative offset..... 6

            (B) Referral for non-centralized administrative offset..... 6

        (vi) Collection by transfer of debts to Treasury or a Treasury-designated debt collection center for collection through cross servicing..... 7

        (vii) Collection by salary offset..... 7

            (B) Petition for hearing..... 8

            (C) Extreme financial hardship..... 8

            (D) Form and content of hearings..... 9

            (E) Costs for attendance at oral hearings..... 9

            (F) Hearing official's decision..... 9

        (viii) [Reserved]..... 9

        (ix) Collection of installments..... 10

        (x) Interest, penalties, and administrative costs..... 10

        (xi) Referral to private collection agencies..... 11

        (xii) Reporting delinquent debts to credit reporting agencies..... 11

        (xiii) Use and disclosure of mailing addresses..... 12

TMA Version - April 2005

TMA Version - April 2005

**(g) Compromise, suspension or termination of collection actions arising under the Federal Claims Collection Act..... 12**

- (1) Basic considerations..... 12
- (2) Authority..... 12
- (3) Basis for compromise. .... 12
- (4) Basis for suspension. .... 13
- (7) Payment of compromised claims. .... 14
  - (i) Time and manner. .... 14
  - (ii) Failure to pay the compromised amount..... 14
  - (iii) Effect of compromise, waiver, suspension or termination of collection action. .... 14

**(h) Referrals for collection..... 15**

- (1) Prompt referral..... 15
- (2) Preservation of evidence..... 15
  - (i) Claims involving indication of fraud, filing of false claims or misrepresentation..... 15
  - (ii) [Reserved] ..... 15