**Policy Clarifications
Cash Assistance – All
Medical Assistance – All
PCA-19269-910
PMA-19269-910**

**Submitted: 03/27/2019 Agency: CAOs**

**Subject:** Processing Overpayments Within 30 Calendar Days after the CAO Verifies the Overpayment

**Question:** We have a question resulting from a lost appeal for an MA overpayment. The ALJ cited the Pa. code shown as #1 below which is different than the one shown in #2 and the handbook citation in #3.

**1.** 55 Pa. Code § 255.84 (e) states that the CAO will refer OP claims over $50.00 resulting from client error within 30 days from the date the county office receives the information establishing the overpayment.

**2.** 55 Pa. Code § 255.84 (c)(2) says something a little different. The overpayment referral must be submitted within 30 days the CAO verifies the overpayment.

**3.** Supplemental HB 910.41, “when the CAO discovers information that may lead to a possible Cash Assistance, MA, or Diversion benefit overpayment, the CAO will complete an Overpayment Referral Data Input Form and enter the data into the ARRC system within 30 workdays from the date the information was verified.”

This situation has occurred multiple times and we were hoping that you could have someone from Policy review this and weigh in. Another question is that when this occurs, is it correct that the entire overpayment is then negated? We are requesting clarification on the following questions: When does the 30-day period begin? Is it 30 calendar or work days? If it is over the 30-day period, should the entire overpayment be negated?

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| **Response By: Policy Clarification Unit/ Date:**  **Division of Health Services** |   |
| The Appeal decision would stand as written, negating the overpayment.  The 30-calendar day period begins from the date the CAO verifies the overpayment.  If the PA 78 was returned on 06/01/18, this begins the 30-**calendar** day count.  The CAO must initiate the overpayment before the 30th ***calendar*** day in order to be timely. If the PA 78 does not contain all needed verification, the CAO must enter case comments to support when the CAO has verified the information establishing the overpayment. The 30 ***calendar*** day count begins once all verification is received.Both regulations, 55 Pa. Code § 255.84(c)(2) and 55 Pa. Code § 255.84(e) are referring to calendar days, not working days as indicated in SH 910.41.  The term “working days” will be replaced with “calendar days” in SH 910.41 as it conflicts with regulations. |  |