

.....  
(Original Signature of Member)

119TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To amend title XIX of the Social Security Act to increase the State share  
of the recovery of certain overpayments under the Medicaid program.

\_\_\_\_\_  
**IN THE HOUSE OF REPRESENTATIVES**

Mr. KEAN introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_  
\_\_\_\_\_

**A BILL**

To amend title XIX of the Social Security Act to increase  
the State share of the recovery of certain overpayments  
under the Medicaid program.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Helping Encourage  
5 Lawful Payments and Strengthen Transparency, Anti-  
6 fraud, Tips, and Enforcement Strategies Act” or the  
7 “HELP STATES Act”.

1 **SEC. 2. INCREASING STATE SHARE OF OVERPAYMENT RE-**  
2 **COVERY.**

3 Section 1903(d)(3) of the Social Security Act (42  
4 U.S.C. 1396b(d)(3)) is amended by adding at the end the  
5 following new subparagraph:

6 “(C)(i) For quarters beginning on or after the date  
7 that is 18 months after the date of enactment of this sub-  
8 paragraph, in the case that a State recovers during such  
9 quarter any amounts which represent an overpayment  
10 made to a person or other entity due to fraud, the Sec-  
11 retary shall exclude up to 25 percent (as elected by the  
12 State) of the pro rata share of such amounts so recovered  
13 to which the United States is equitably entitled, as deter-  
14 mined for purposes of subparagraph (A), from the amount  
15 of overpayment to be adjusted under this subsection.

16 “(ii) With respect to any amounts so excluded from  
17 the amount of overpayment to be adjusted under this sub-  
18 section pursuant to clause (i), a State—

19 “(I) shall use such amounts for activities re-  
20 lated to program integrity, which may include au-  
21 dits, investigations, data analysis, investment in in-  
22 formation technology systems that improve the de-  
23 tection, prevention, or recovery of improper pay-  
24 ments, and other activities associated with the detec-  
25 tion of fraud and the recovery of improper pay-  
26 ments; and

1           “(II) not less frequently than annually, shall re-  
2       port to the Secretary (in a form and manner speci-  
3       fied by the Secretary) how the State used such  
4       amounts.”.