
42 C.F.R. § 405.377

Withholding Medicare payments to recover Medicaid overpayments.

- (a) *Basis and purpose.* This section implements section 1885 of the Act, which provides for withholding Medicare payments to certain Medicaid providers that have not arranged to repay Medicaid overpayments as determined by the Medicaid State agency or have failed to provide information necessary to determine the amount (if any) of overpayments.
- (b) *When withholding may be used.* CMS may withhold Medicare payment to offset Medicaid overpayments that a Medicaid agency has been unable to collect if—
- (1) The Medicaid agency has followed the procedure specified in § 447.31 of this chapter; and
 - (2) The institution or person is one described in paragraph (c) of this section and either—

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