

## 40.5 - Recoupment

*(Rev. 77, Issued: 10-28-05, Effective Date: 10-28-05)*

(42 CFR 417.458) A *Medicare cost plan* agrees not to recoup deductible and coinsurance amounts for which Medicare enrollees were liable in a previous contract period except in the following circumstances:

- The *Medicare cost plan* failed to collect the deductible and coinsurance amounts during the contract period in which they were due because of:

- Underestimation of the actuarial value of the deductible and coinsurance amounts; or
  - A billing error;
- The *Medicare cost plan* has identified the amounts and obtained advance CMS approval of the recoupment and the method and timing of recoupment;
- The *Medicare cost plan* collects these amounts no later than the end of the contract period following the contract period during which they were found to be due.