

57 (b) deception or misrepresentation in relation to medical or hospital assistance funds,
58 costs, claims, reimbursement, or practice.

59 (4) "Medical or hospital assistance" is as defined in Section 26-18-2.

60 (5) "Upcoding" means assigning an inaccurate billing code for a service that is payable
61 or reimbursable by Medicaid funds, if the correct billing code for the service would result in a
62 lower Medicaid payment or reimbursement.

63 (6) "Waste" means overutilization of resources or inappropriate payment.

64 Section 3. Section **26-18-603** is enacted to read:

65 **26-18-603. Adjudicative proceedings related to Medicaid funds.**

66 (1) If a proceeding of the department, under Title 63G, Chapter 4, Administrative
67 Procedures Act, relates in any way to recovery of Medicaid funds:

68 (a) the presiding officer shall be designated by

68a **Ĥ→ [and report directly to] ←Ĥ** the executive

69 director of the department **Ĥ→ and report directly to the executive director ←Ĥ or Ĥ→ , in the**

69a **discretion of the executive director, report directly to ←Ĥ** the director of the Office of Internal

69b Audit and Program Integrity;

70 and

71 (b) the decision of the presiding officer is the recommended decision to the executive
72 director of the department or a designee of the executive director who is not in the division.

73 (2) Subsection (1) does not apply to hearings conducted by the Department of

74 Workforce Services relating to medical assistance eligibility determinations.

75 (3) If a proceeding of the department, under Title 63G, Chapter 4, Administrative
76 Procedures Act, relates in any way to Medicaid or Medicaid funds, the following may attend
77 and present evidence or testimony at the proceeding:

78 (a) the director of the Office of Internal Audit and Program Integrity, or the director's
79 designee; and

80 (b) the inspector general of Medicaid services, if an Office of Inspector General of
81 Medicaid Services is created by statute, or the inspector general's designee.

82 (4) In relation to a proceeding of the department under Title 63G, Chapter 4,
83 Administrative Procedures Act, a person may not, outside of the actual proceeding, attempt to
84 influence the decision of the presiding officer.

85 Section 4. Section **26-18-604** is enacted to read:

86 **26-18-604. Division duties -- Reporting.**

87 (1) The division shall: