**Operations Memo 22-14**

**Change in Total Overpayment Policy**

Presented by: Melissa Dybas

**Release/Effective Date: August 10, 2022**

Note: The policies described in this memo do not override any temporary policies in place during the COVID-19 pandemic, like the prohibition on assessing overpayments for months during the federal public health emergency.

**Policy:**

Currently, when the member fails or refuses to provide the information and no other information is available from third parties or data exchanges, the overpayment is calculated as if the applicant or member was completely ineligible for the benefit, called a total overpayment.

Effective August 10, 2022, for health care and FoodShare, when all attempts to obtain verification are unsuccessful, information is not available in data exchange, and it is not possible to determine the correct amount of benefits that should have been issued to the applicant or member, an overpayment may not be established.

An overpayment claim is not required to investigate a potential IPV or fraud if there is clear and convincing evidence an IPV or fraud occurred. In addition, the establishment of an overpayment claim in itself is not sufficient for a finding of an IPV or fraud. A member who fails to cooperate with a worker attempting to determine if an overpayment occurred is not clear and convincing evidence of an IPV or fraud.