

205.211 Secretary to correct any underpayment or overpayment of public assistance benefits.

- (1) Except as otherwise provided by law, the secretary may, in accordance with the regulations he may prescribe and to the extent permitted by federal law, take all necessary steps to correct any underpayment or overpayment of public assistance benefits under this chapter.
- (2) Recovery of overpayments by the secretary may be accomplished through repayment, reduction of future public assistance benefits, or by civil action in the Circuit or District Court depending upon the jurisdictional amount involved.
- (3) No reduction in future benefits or civil action shall be instituted except after notice and an opportunity for a fair hearing have been given and the administrative and judicial remedies provided by this chapter have been either exhausted or abandoned.
- (4) For purposes of this section, overpayment shall include payments made to or in behalf of an eligible person in excess of the amount of public assistance benefits to which they are entitled as defined by regulation, payments made to ineligible persons and payments made to persons pending a fair hearing decision or court decision.
- (5) Nothing in this section shall be construed to prohibit criminal prosecution for fraud under any other statute.

Effective: March 26, 1982

History: Created 1982 Ky. Acts ch. 149, sec. 1, effective March 26, 1982.