**67:48:05:02.  Recovery of overpayments -- Funds paid in error.** The department shall consider that funds were paid in error if any of the following occurs:

 (1)  The department pays the provider for child care services and subsequently finds that the individual on whose behalf the funds were paid was ineligible for child care assistance;

 (2)  The department pays the provider for child care services on behalf of an individual who was eligible for child care assistance but the department subsequently finds that the amount of assistance paid exceeded the amount of benefits payable;

 (3)  The department pays the provider for child care services and subsequently finds that the provider was not entitled to the benefits; or

 (4)  The department pays child care services grant funds to a provider and the provider fails to fulfill the requirements of the grant.

 Child care assistance paid in error as a result of an intentional program violation constitutes a debt to and is subject to recovery by the department according to the provisions and limits of this chapter. Child care assistance paid in error that is not the result of an intentional program violation constitutes a debt to and is subject to recovery by the department according to the provisions and limits of article 67:47.

 **Source:** 28 SDR 111, effective February 20, 2002.

 **General Authority:** SDCL 28-1-61.

 **Law Implemented:** SDCL 28-1-61.