

2018 Regular Session

HOUSE BILL NO. 163

BY REPRESENTATIVE MACK

MEDICAID: Creates the Medicaid Recipient Fraud Unit within the office of the attorney general

1 AN ACT

2 To enact Subpart D-2 of Part VI-A of Chapter 3 of Title 46 of the Louisiana Revised
3 Statutes of 1950, to be comprised of R.S. 46:440.9, relative to Medicaid recipient
4 fraud; to create the Medicaid Recipient Fraud Unit within the office of the attorney
5 general; to provide for administration and duties of the unit and funding of its
6 activities; to provide relative to reporting and review of Medicaid recipient fraud
7 complaints; to provide for duties of the Louisiana Department of Health with respect
8 to Medicaid program integrity; to provide for legislative intent; and to provide for
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Subpart D-2 of Part VI-A of Chapter 3 of Title 46 of the Louisiana
12 Revised Statutes of 1950, to be comprised of R.S. 46:440.9, is hereby enacted to read as
13 follows:

14 §440.9. Medicaid Recipient Fraud Unit; creation; administration

15 A. It is the intent of the legislature that the office of the attorney general and
16 the Louisiana Department of Health, referred to hereafter in this Section as the
17 "department", work cooperatively to detect, investigate, and prosecute Medicaid
18 recipient fraud within the medical assistance programs of this state. In furtherance
19 of this goal, the office of the attorney general and the department are hereby directed
20 to execute all agreements necessary to implement the provisions of this Section.

1 B. The legislature hereby creates the Medicaid Recipient Fraud Unit,
2 referred to hereafter in this Section as the MRFU, within the criminal division of the
3 office of the attorney general. The MRFU shall be responsible for operating a
4 statewide program for the investigation and prosecution of violations of any
5 applicable state law regarding any aspect of fraud in connection with any aspect of
6 the receipt of medical assistance under Title XIX of the Social Security Act.

7 C. The MRFU shall be deemed an extension of the Medicaid program
8 integrity function of the department and shall be funded through the appropriation
9 to the department for administration of the Medicaid program. The attorney general
10 shall work with the department in preparing the annual budget for the MRFU.

11 D. The department shall perform a preliminary review of all Medicaid
12 recipient fraud complaints reported to it pursuant to 42 CFR 455.14. For each
13 complaint for which there appears to be a credible allegation of fraud, the department
14 shall refer that complaint to the MRFU for a complete investigation and prosecution
15 pursuant to the procedures agreed to by the attorney general and the department.

16 E. The attorney general shall submit quarterly reports, in a form agreed to
17 by the office of the attorney general and the department, notifying the department of
18 the status and disposition of Medicaid recipient fraud matters handled by the MRFU.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 163 Reengrossed

2018 Regular Session

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Abstract: Creates the Medicaid Recipient Fraud Unit within the office of the attorney general and provides for administration, duties, and funding of the unit.

Proposed law expresses the intent of the legislature that the office of the attorney general and the La. Department of Health (LDH) work cooperatively to detect, investigate, and prosecute Medicaid recipient fraud.

Proposed law creates the Medicaid Recipient Fraud Unit (MRFU) within the criminal division of the office of the attorney general. Requires that the MRFU be responsible for operating a statewide program for the investigation and prosecution of violations of present law regarding any aspect of fraud in connection with any aspect of the receipt of Medicaid benefits.

Proposed law deems the MRFU an extension of the Medicaid program integrity function of LDH.

Proposed law provides that the MRFU shall be funded through the appropriation to LDH for administration of the Medicaid program. Stipulates that the attorney general shall work with LDH in preparing the annual budget for the MRFU.

Proposed law requires LDH to perform a preliminary review of all Medicaid recipient fraud complaints reported to it pursuant to federal Medicaid regulations, 42 CFR 455.14. Provides that for each complaint for which there appears to be a credible allegation of fraud, LDH shall refer that complaint to the MRFU for investigation and prosecution.

Proposed law requires the attorney general to submit quarterly reports notifying LDH of the status and disposition of Medicaid recipient fraud matters handled by the MRFU.

(Adds R.S. 46:440.9)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Appropriations to the engrossed bill:

1. Technical.