

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 R.S. 46:440.4, relative to Medicaid recipient fraud; to create the Medicaid
3 Recipient Fraud Unit within the office of the attorney general; to provide for
4 administration and duties of the unit and funding of its activities; to provide relative
5 to reporting and review of Medicaid recipient fraud complaints; to provide for duties
6 of the Louisiana Department of Health with respect to Medicaid program integrity;
7 to provide for legislative intent; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 46:440.4 is hereby enacted to read as follows:

10 §440.4. Medicaid Recipient Fraud Unit; creation; administration

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

17 B. The legislature hereby creates the Medicaid Recipient Fraud Unit,
18 referred to hereafter in this Section as the MRFU, within the criminal division of the
19 office of the attorney general. The MRFU shall be responsible for operating a
20 statewide program for the investigation and prosecution of violations of any

1 applicable state law regarding any aspect of fraud in connection with any aspect of
2 the receipt of medical assistance under Title XIX of the Social Security Act.

3 C. The MRFU shall be deemed an extension of the Medicaid program
4 integrity function of the department and shall be funded through the appropriation
5 to the department for administration of the Medicaid program. The attorney general
6 shall work with the department in preparing the annual budget for the MRFU.

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

12 E. The attorney general shall submit quarterly reports, in a form agreed to
13 by the office of the attorney general and the department, notifying the department of
14 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 Original

2018 Regular Session

Mack

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. 46:440.4)