Disclaimer

- This Power Point presentation is solely intended as an informative presentation about the Medicaid Fraud Control Section within the Pennsylvania Office of Attorney General.
- Information provided by this presentation does not directly or indirectly represent the views or opinions of the Attorney General.
I. Medicaid Fraud Control Section (MFCS)
   a. We are a state criminal justice agency funded by federal and state money whose goal and mission is to protect the integrity of the Medical Assistance Program.
   b. MFCS has investigative and prosecutorial power.

II. What we do
   a. We investigate allegations of Medicaid Fraud.
   b. We arrest and prosecute offenders for knowingly or intentionally engaging in conduct which defrauds the Medical Assistance Program.
   c. We investigate and prosecute:
      i. Medicaid Fraud- By Medicaid providers and people that work for and/or contract with providers.
      ii. Crimes arising out of Medicaid fraud investigations, including, forgery, theft, insurance fraud, tampering with records, corrupt organizations, drug diversion, neglect, etc.

III. Medicaid Fraud Statute (62 P.S. § 1407)
   a. A. It shall be unlawful for any person to:
      i. (1) knowingly submit false information, for the purpose of obtaining greater compensation than that to which he is legally entitled.
      ii. (4) Submit a claim for services, supplies or equipment which were not rendered to a recipient.
      iii. (7) Submit a claim which misrepresents the description of services, supplies or equipment dispensed or provided; the dates of services; the identity of the recipient; the identity of the attending, prescribing or referring practitioner; or the identity of the actual provider.
      iv. (12) Enter into an agreement, combination or conspiracy to obtain or aid another to obtain reimbursement or payments for which there is not entitlement.
   b. If found guilty of Medicaid Fraud:
      i. 3rd Degree Felony for each such violation with a maximum penalty of $15,000.00 and 7 YEARS of imprisonment.
      ii. 2nd Degree Felony with a maximum penalty of $25,000.00 and 10 YEARS imprisonment for a second conviction in any state or federal court for conduct which would constitute a violation of subsection (a).
      iii. Restitution, court costs, fines, probation, community service, suspension/revocation of license(s), and 5-year exclusion from participation in Pennsylvania’s Medical Assistance program, with potential federal HHS-OIG exclusion as well.

IV. HIPAA (45 CFR § 164)
   a. HIPAA’s Privacy Rule protects all “individually identifiable health information,” in any form or media, whether electronic, paper or oral. This information is referred to as “Protected Health Information (PHI).” PHI includes:
      i. A patient’s past, present or future physical or mental health;
      ii. The provision of health care to the patient; or
      iii. The past, present, or future payment for the provision of health care to the individual.
   b. Those in possession of PHI are legally required to disclose PHI in two instances:
      i. To individuals who specifically request access to their own PHI;
ii. To HHS when undertaking compliance investigation
c. Those in possession of PHI may be contractually required to disclose PHI to a health oversight agency under a provider’s MA contract with DHS.
d. Those in possession of PHI are permitted to disclose PHI under a number of exceptions including:
   i. Law Enforcement Purposes;
   ii. Health Oversight Agency (PA OAG is a Health Oversight Agency)

V. Preventing and Reporting Fraud
a. Preventing Fraud
   i. Do not exaggerate your credentials;
   ii. Professional accountability and integrity;
   iii. Be prompt and put in the time;
   iv. Don’t inflate or forge signatures;
   v. Ensure all paperwork is complete and accurate; and
   vi. Understand that you are creating permanent records with consequences.

b. Reporting Fraud
   i. Names/addresses of suspects and witnesses;
   ii. Areas of responsibility;
   iii. Alleged fraud - What, When, Where & How?
      1. Has it ended or is it ongoing?
      2. Documentation/Proof (Preserving evidence)

c. Contact information:
   i. Christopher Jason, cjason@attorneygeneral.gov, 717-712-1220
   ii. Eric Stryd, estryd@attorneygeneral.gov, 610-631-1247
   iii. MFCS website:  
        https://www.attorneygeneral.gov/Criminal/Medicaid_Fraud_Section/
   iv. Intake email: mfcsintake@attorneygeneral.gov