



Medicaid Fraud Control Section

HCCA Philadelphia Regional Conference

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: mfcshintake@attorneygeneral.gov