

MEDICAID FRAUD CONTROL UNIT

OFFICE OF ATTORNEY GENERAL

EST. AUGUST 2019

LAW ENFORCEMENT
AGENCY

HEALTH OVERSIGHT
AGENCY

PROVIDER

NOT RECIPIENT

Medicaid ~~Medicare~~

Medicaid is health care coverage for low income families & individuals

ND spends approximately \$3 billion a biennium on Medicaid Program

10-14% of ND population covered by Medicaid – 70,000 households & 125,000 individuals

More than 29,000 providers in ND

Fraud per year nationally 1%-2% of Medicaid expenditures - or \$15 million per year in ND (1%)

When MFCU can investigate a case:

- When there is billing fraud by a Medicaid provider
- If a Medicaid recipient is abused, neglected, or exploited financially, by a provider
- If a provider, that accepts Medicaid payments, abuses, neglects, exploits, or harms a patient, whether that patient receives Medicaid or not

TYPES OF INVESTIGATIONS

- Billing for services/medication not provided
- Billing for more than 24 hours in a day
- Not having documents/records to support the billing
- Billing while on vacation
- Billing a more expensive service than actually provided
- Billing for unlicensed professional care
- Billing for valueless services
- Abuse or neglect of patients (assaults, homicides, GSI, theft)
- Drug Diversion – Opioid Overprescribing

HB 1434

technical amendments

- When this statute was initially drafted no one in the state was certain how MFCU would actually conduct investigations and how subpoenas would be used.
- MFCU investigates both civil and criminal cases not just civil.
- Most other states' MFCUs have subpoena powers that are used for any type of investigation.
- Sections were deleted that do not apply.
- Biggest change is clarifying that the information received pursuant to a subpoena is confidential but can be shared with other law enforcement agencies or investigative partners.

HB 1434

technical amendments

- Clarifies that MFCU can receive exempt and confidential records pursuant to an administrative subpoena.
- Requesting an Amendment: 6.4. ~~A person is not subject to civil or criminal liability as a result of providing written answers, testimony, or documentary material to the attorney general under this section.~~ Disclosure pursuant to this section is not a violation of section 12.1-13-01.
- For example, if a state board provides confidential information, they will not face liability for providing those records to MFCU pursuant to an administrative subpoena. If a suspect provides records pursuant to an administrative subpoena, they may still be liable for criminal conduct or civil false claims fraud.



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