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SENATE JOINT RESOLUTION NO. 83

Senate Amendments in [] — February 12, 2016

Requesting the Department of Medical Assistance Services and the Department of Social Services to study the conferral of authority to local departments of social services to investigate Medicaid fraud cases. Report.

Patron Prior to Engrossment—Senator Chafin

Referred to Committee on Rules

WHEREAS, the Department of Medical Assistance Services (DMAS) has sole authority to investigate and accept referrals regarding fraudulent payments made by the Medicaid Program and to recover any payment incorrectly made for services received by a Medicaid recipient; and

WHEREAS, the DMAS Recipient Audit Unit (RAU) is responsible for the investigation of allegations of acts of fraud or abuse committed by recipients of the Medicaid Program; the RAU recovers overpayments due to recipient fraud, abuse, and overpaid benefits through voluntary repayments and criminal prosecution of recipient fraud; and

WHEREAS, a local department of social services (local department) must refer all cases involving only Medicaid fraud to the DMAS RAU; and

WHEREAS, if a case also involves eligibility for certain public assistance payments, such as Temporary Assistance for Needy Families (TANF), the local department is responsible for the investigation of suspected fraud; however, if the case involves fraud related to Medicaid and the Supplemental Nutrition Assistance Program (SNAP), Energy Assistance, or other non-monetary payment public assistance programs, the local department must refer the case to the DMAS RAU; and

WHEREAS, the Commonwealth may be able to recover a higher percentage of funds obtained by fraudulent means through Medicaid and other public assistance programs if local departments are given authority to investigate cases that involve attempts to defraud both Medicaid and another public assistance program administered in whole or in part by local departments; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Department of Medical Assistance Services and the Department of Social Services be requested to study the conferral of authority to local departments of social services to investigate Medicaid fraud cases.

In conducting its study, the Department of Medical Assistance Services and the Department of Social Services shall consult with all relevant stakeholders and shall (i) analyze the potential benefits and issues of allowing local departments to investigate cases of suspected fraud that involve Medicaid and any other public assistance program administered in whole or in part by local departments, including SNAP; (ii) identify the most efficient methods of implementing the conferral of such authority to local departments; and (iii) analyze whether local departments should be permitted to collect a percentage of the funds recovered in cases investigated by such local departments that involve Medicaid and another public assistance program administered in whole or in part by local departments.

All agencies of the Commonwealth shall provide assistance to the Department of Medical Assistance Services and the Department of Social Services for this study, upon request.

The Department of Medical Assistance Services and the Department of Social Services shall complete their meetings by November 30, 2016, and shall submit to the Governor and the General Assembly an executive summary and a report of their findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2017 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

[The provisions of this resolution shall not become effective unless the Centers for Medicare and Medicaid Services (CMS) issues guidance on whether the costs associated with this study are available for federal financial participation (FFP). Within 30 days of the effective date of this resolution, the Department of Medical Assistance Services shall request such guidance from the Centers for Medicare and Medicaid Services.]

ENGROSSED

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