S T A T E O F N E W Y O R K

6878

I N S E N A T E

February 19, 2010

Introduced by Sen. C. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the legislative law, in relation to the creation of the legislative commission on Medicaid fraud, waste and abuse

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The legislative law is amended by adding a new article 6-A to read as follows:

ARTICLE 6-A

LEGISLATIVE COMMISSION ON MEDICAID FRAUD, WASTE AND ABUSE

SECTION 96. LEGISLATIVE COMMISSION ON MEDICAID FRAUD, WASTE AND ABUSE.
97. POWERS AND DUTIES.
98. REPORTS.

S 96. LEGISLATIVE COMMISSION ON MEDICAID FRAUD, WASTE AND ABUSE. THERE IS HEREBY CREATED A LEGISLATIVE COMMISSION ON MEDICAID FRAUD, WASTE AND ABUSE TO CONSIST OF TWO MEMBERS OF THE SENATE TO BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, TWO MEMBERS OF THE ASSEMBLY TO BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY, ONE MEMBER OF THE SENATE TO BE APPOINTED BY THE MINORITY LEADER OF THE SENATE AND ONE MEMBER OF THE ASSEMBLY TO BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY. THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY SHALL EACH APPOINT A CO-CHAIR FROM AMONG THE COMMISSION MEMBERSHIP. ANY VACANCIES SHALL BE FILLED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT. SUCH APPOINTEES SHALL SERVE AT THE PLEASURE OF THE RESPECTIVE LEGISLATIVE MEMBER MAKING SUCH APPOINTMENT.

S 97. POWERS AND DUTIES. 1. THE COMMISSION SHALL EXERCISE CONTINUOUS OVERSIGHT OF THE OFFICE OF MEDICAID INSPECTOR GENERAL AS CREATED BY CHAPTER FOUR HUNDRED FORTY-TWO OF THE LAWS OF TWO THOUSAND SIX. THE COMMISSION SHALL REVIEW THE OPERATIONS OF THE OFFICE OF MEDICAID INSPECTOR GENERAL INCLUDING BUT NOT LIMITED TO (I) COMPLIANCE WITH LEGISLATIVE INTENT, (II) USE OF EXTRAPOLATION, (III) AUDIT PROCEDURES, METHODS AND PROTOCOLS, (IV) COMMUNICATION WITH HEALTH CARE PROVIDERS, (V) COMPLIANCE

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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WITH STATE, FEDERAL LAWS AND REGULATIONS, AND (VI) AUDITOR TRAINING AND QUALIFICATIONS.

2. THE COMMISSION MAY EMPLOY SUCH STAFF AND RETAIN SUCH CONSULTANTS AND EXPERT SERVICES AS MAY BE NECESSARY. EMPLOYMENT BY THE COMMISSION SHALL BE DEEMED TO BE EMPLOYMENT BY THE LEGISLATURE FOR ALL PURPOSES.

3. THE COMMISSION SHALL HAVE THE POWER, SUBJECT TO THE PROVISIONS OF SECTION SEVENTY-THREE OF THE CIVIL RIGHTS LAW, TO HOLD HEARINGS, SUBPOENA WITNESSES, ADMINISTER OATHS, TAKE TESTIMONY AND COMPEL THE PRODUCTION OF BOOKS, PAPERS, DOCUMENTS AND OTHER EVIDENCE IN FURTHERANCE OF ITS DUTIES; PROVIDED, HOWEVER, THAT NO SUBPOENA SHALL BE ISSUED EXCEPT UPON THE AFFIRMATIVE VOTE OF A MAJORITY OF THE WHOLE MEMBERSHIP OF THE COMMISSION. THE COMMISSION MAY REQUEST AND SHALL RECEIVE FROM ALL AGENCIES SUCH ASSISTANCE AND DATA AS WILL ENABLE IT PROPERLY TO CONSUMMATE ANY SUCH EXAMINATION, AND REVIEW.

S 98. REPORTS. THE COMMISSION SHALL, FROM TIME TO TIME, REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY, AND TO THE MEMBERS OF THE LEGISLATURE.

S 2. This act shall take effect immediately.