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

4806--A

2011-2012 Regular Sessions

I N S E N A T E

April 27, 2011

Introduced by Sens. MARCELLINO, CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to enforcement actions by the office of the Medicaid inspector general

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

Section 1. Subdivision 6 of section 32 of the public health law, as added by chapter 442 of the laws of 2006, is amended to read as follows:

6. to pursue civil and administrative enforcement actions against any individual or entity that engages in fraud, abuse, or illegal or improper acts or unacceptable practices perpetrated within the medical assistance program, including but not limited to: (a) referral of information and evidence to regulatory agencies and licensure boards; (b) withholding payment of medical assistance funds in accordance with state and federal laws and regulations; (c) imposition of administrative sanctions and penalties in accordance with state and federal laws and regulations; (d) exclusion of providers, vendors and contractors from participation in the program; (e) initiating and maintaining actions for civil recovery and, where authorized by law, seizure of property or other assets connected with improper payments; and entering into civil settlements; and (f) recovery of improperly expended medical assistance program funds from those who engage in fraud or abuse, or illegal or improper acts perpetrated within the medical assistance program. THE INSPECTOR SHALL NOT APPLY ANY EXTRAPOLATION METHOD TO A CATEGORY OF ERROR OR DEFECT WITHIN A SAMPLE UNLESS THE INSPECTOR SHALL FIRST DETERMINE THAT THE CATEGORY OF ERROR OR DEFECT IN THE BILLING OR OTHER PRACTICE IDENTIFIED BY THE INSPECTOR IN THE SAMPLE OF CLAIMS EXCEEDS A RATE OF FIVE PERCENT WITHIN THE SAMPLE OF CLAIMS. In the pursuit of such civil and administrative enforcement actions under this subdivision, the inspector shall

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

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consider the quality and availability of medical care and services and the best interest of both the medical assistance program and recipients;

S 2. This act shall take effect on the first of January next succeeding the date upon which it shall have become a law and shall apply to enforcement actions commenced on or after such date.