

2554

2013-2014 Regular Sessions

I N S E N A T E

January 22, 2013

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and
when printed to be committed to the Committee on Health

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:

1 Section 1. Subdivision 6 of section 32 of the public health law, as
2 added by chapter 442 of the laws of 2006, is amended to read as follows:
3 6. to pursue civil and administrative enforcement actions against any
4 individual or entity that engages in fraud, abuse, or illegal or improper
5 acts or unacceptable practices perpetrated within the medical assistance
6 program, including but not limited to: (a) referral of information
7 and evidence to regulatory agencies and licensure boards; (b) withholding
8 payment of medical assistance funds in accordance with state and
9 federal laws and regulations; (c) imposition of administrative sanctions
10 and penalties in accordance with state and federal laws and regulations;
11 (d) exclusion of providers, vendors and contractors from participation
12 in the program; (e) initiating and maintaining actions for civil recovery
13 and, where authorized by law, seizure of property or other assets
14 connected with improper payments; and entering into civil settlements;
15 and (f) recovery of improperly expended medical assistance program funds
16 from those who engage in fraud or abuse, or illegal or improper acts
17 perpetrated within the medical assistance program. THE INSPECTOR SHALL
18 NOT APPLY ANY EXTRAPOLATION METHOD TO A CATEGORY OF ERROR OR DEFECT
19 WITHIN A SAMPLE UNLESS THE INSPECTOR SHALL FIRST DETERMINE THAT THE
20 CATEGORY OF ERROR OR DEFECT IN THE BILLING OR OTHER PRACTICE IDENTIFIED
21 BY THE INSPECTOR IN THE SAMPLE OF CLAIMS EXCEEDS A RATE OF FIVE PERCENT
22 WITHIN THE SAMPLE OF CLAIMS. In the pursuit of such civil and administrative
23 enforcement actions under this subdivision, the inspector shall
24 consider the quality and availability of medical care and services and
25 the best interest of both the medical assistance program and recipients;
26 S 2. This act shall take effect on the first of January next succeeding
27 the date upon which it shall have become a law and shall apply to
28 enforcement actions commenced on or after such date.

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

LBD07234-01-3