§ 31. Establishment of the office of Medicaid inspector general. 1. There is hereby created within the department the office of Medicaid inspector general. Pursuant to section three hundred sixty-three-a of the social services law, the department is the single state agency for the administration of the medical assistance program in New York state, provided that the office shall undertake and be responsible for the department's duties as the single state agency with respect to: (a) prevention, detection and investigation of fraud and abuse within the medical assistance program; (b) referral of appropriate cases for criminal prosecution; and (c) recovery of improperly expended medical assistance funds. Such responsibility shall include, but not be limited to, medical assistance program audit functions, pursuant to sections three hundred sixty-four and three hundred sixty-eight-c of the social services law, and the function of medical assistance program fraud and abuse prevention, pursuant to sections one hundred forty-five-a and one hundred forty-five-b of the social services law (transferred to the New York state department of health from the former department of social services pursuant to subdivision (e) of section one hundred twenty-two of part B of chapter four hundred thirty-six of the laws of nineteen hundred ninety-seven).

2. The head of the office shall be the Medicaid inspector general who shall be appointed by the governor by and with the advice and consent of the senate. The inspector shall serve at the pleasure of the governor. The inspector shall report directly to the governor. The person appointed as inspector shall, upon his or her appointment, have not less than ten years professional experience in one or more of the following areas of expertise: law, provided the experience involves prosecution or some consideration of fraud; fraud investigation; and auditing. The inspector may possess comparable alternate experience in the area of health care or the area of senior management, in either the public or private setting, provided that such experience involves some consideration of fraud.

3. The inspector shall be compensated within the limits of funds available therefor, provided, however, such salary shall be no less than the salaries of certain state officers holding the positions indicated

in paragraph (a) of subdivision one of section one hundred sixty-nine of the executive law.