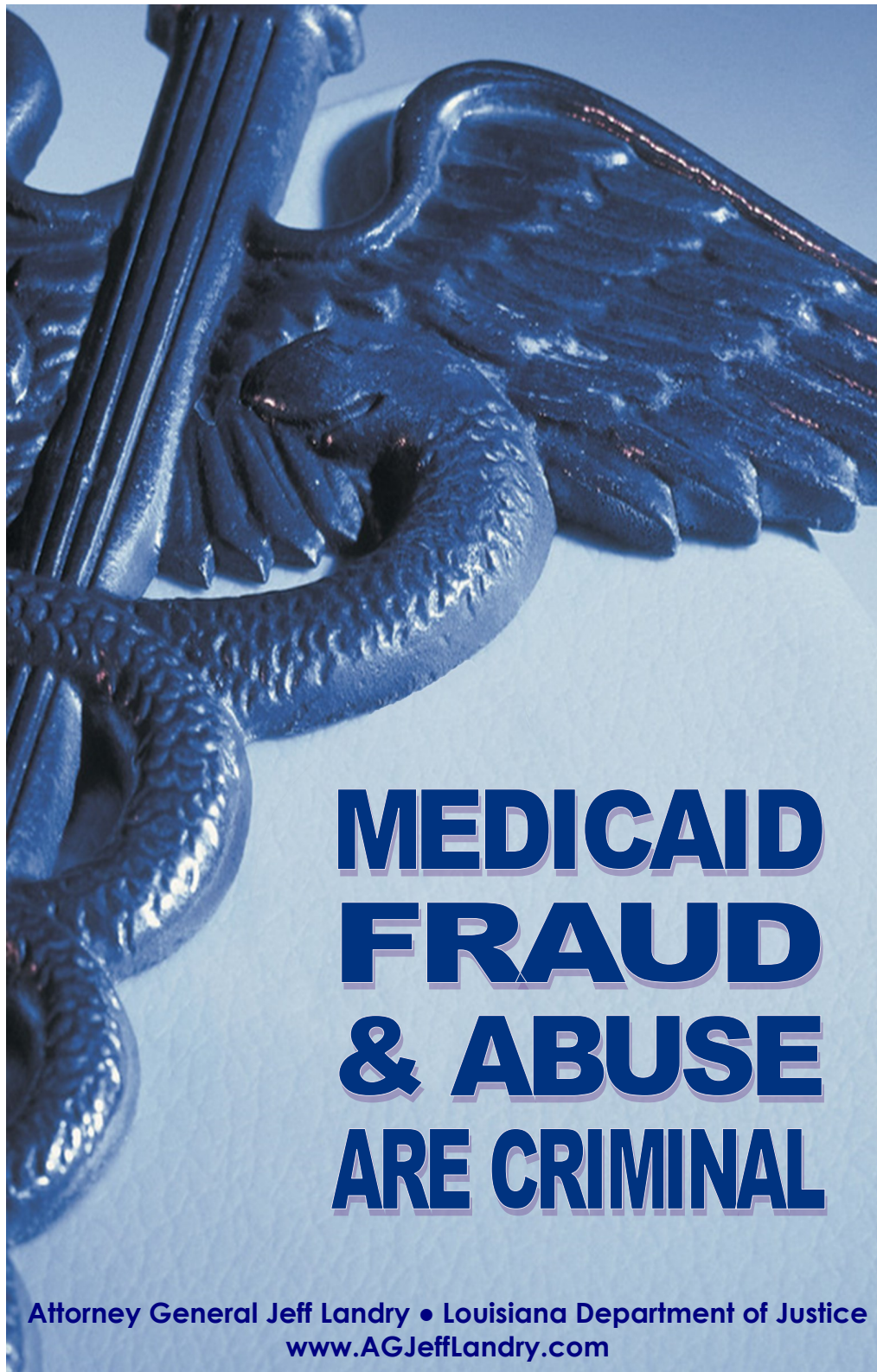


NOTES



**MEDICAID
FRAUD
& ABUSE
ARE CRIMINAL**

**TO REPORT SUSPECTED ABUSE OR FRAUD,
PLEASE CONTACT THE**

LOUISIANA MEDICAID FRAUD CONTROL UNIT

Post Office Box 94005
Baton Rouge, LA 70804-9005

888.799.6885 Phone
225.326.6295 Fax

www.AGJeffLandry.com

or the Louisiana
Department of Health and Hospitals

www.dhh.louisiana.gov

or local police/sheriff's office

EXCLUSIONS

An excluded individual cannot work, *in any capacity*, for any federally-funded health care provider. This includes (but is not limited to) doctor, nursing home, hospital, and PCS/home care agency.

If an excluded individual is employed by a federally-funded provider, both the employee and the employer could face State and Federal penalties (\$10,000 or more.)

To see if a prospective employee is excluded—go to the following U. S. Department of Health and Human Services, Office of the Inspector General, website:

<http://exclusions.oig.hhs.gov/>

and to the Louisiana Department of Health and Hospitals' Adverse Actions website:

<https://adverseactions.dhh.la.gov/>

Statutes Related to Abuse and Medicaid Fraud

Cruelty to Persons with Infirmities La. R.S. 14:93.3	Perpetration or Attempted Perpetration of certain crimes of violence against a victim sixty-five years of age or older La. R.S. 14:50.2
Exploitation of Persons with Infirmities La. R.S. 93.4	Simple Battery La. R.S. 14:35
False Imprisonment La. R.S. 14:46	Simple Battery of Persons with Infirmities La. R.S. 14:35.2
False statements concerning employment in a nursing or health care facility La. R.S. 14:126.3	Sexual Battery of Persons with Infirmities La. R.S. 14:93.5
Filing or maintaining false public records La. R.S. 14:133	Theft La. R.S. 14:67
Forgery La. R.S. 14:72	Theft of the assets of an aged person or disabled person La. R.S. 14:67.21
Identity Theft La. R.S. 14:67.16	
Medicaid Fraud La. R.S. 14:70.1	
Obstruction of Justice La. R.S. 14:130.1	
Unauthorized Participation in Medical Assistance Programs La. R.S. 14:126.3.1	

**To view complete statutes, please visit the Louisiana State Legislature's website:
www.legis.state.la.us**

A Message from the Attorney General



As your Attorney General, I am committed to ensuring the Louisiana Department of Justice serves all of our State's people – especially the elderly and the poor.

Medicaid fraud and nursing home abuse are unlawful and immoral acts that our office will vigorously investigate and prosecute.

We have compiled this booklet to help educate the citizens of Louisiana on who is a Medicaid provider, what are fraud and abuse as they relate to the Medicaid program, what are the legal responsibilities of reporting suspected Medicaid fraud and abuse, and what are the consequences of committing fraud or abuse.

I hope this brochure is helpful to you. If you have questions or would like more information, please visit www.AGJeffLandry.com or call our Medicaid Fraud Control Unit at 888-799-6885.

I am here to serve you and do all that I can to make Louisiana an even better place to live, work, and raise a family.

Sincerely,

Jeff Landry

Jeff Landry

LOUISIANA MEDICAID FRAUD CONTROL UNIT

Since 1978, Louisiana's Medicaid Fraud Control Unit (MFCU) has been recognized as a national leader in the investigation and prosecution of Medicaid fraud and nursing home abuse. In that time, the Louisiana MFCU has convicted hundreds of individuals for program violations and recovered millions of tax dollars.



The MFCU has twice been recognized as the top-rated unit in the nation by the United States Department of Health and Human Services, Office of the Inspector General.

The mission of the MFCU is to aggressively combat the fleecing of taxpayers by fraudulent health care providers. Furthermore, the MFCU seeks to protect

our most vulnerable citizens—the elderly and mentally disabled— and vigorously prosecute criminals who prey on them.



ALWAYS REMEMBER TO:

Write reports.

Memories fade. Reports should be written to ensure details of incidents are not forgotten months later.

Be Specific.

Who, what, when, where, and why. Document all details about the incident.

Be clear, precise, and complete.

Details, details, details. Provide as many specific facts as possible. Where was the person struck and how? What services were billed for and not rendered? For whom and on what dates?

Get supporting evidence.

If visible signs of abuse are present, take photographs. If fraudulent claims are suspected of being submitted, document details supporting suspicion.

CONSEQUENCES OF COMMITTING FRAUD OR ABUSE

- Immediate termination
- Loss of certification (CNA, LPN, RN)
- Arrest and prosecution
- Severe criminal penalties and fines
- Exclusion from working for any federally-funded healthcare provider for a minimum of five years

REPORTING SUSPECTED FRAUD AND ABUSE

If you have reason to believe that someone is defrauding the Medicaid program or abusing a Medicaid recipient, contact the Medicaid Fraud Control Unit.

Louisiana law requires all health care professionals, including nurses and aides, to report suspected abuse and neglect within 24 hours. Allegations of abuse may be reported directly to the Medicaid Fraud Control Unit, the Department of Health and Hospitals, or any law enforcement agency.

The law also protects persons reporting abuse from retaliation or harassment. If you witness abuse—you cannot be fired, discriminated against or sued if you make a report in good faith.



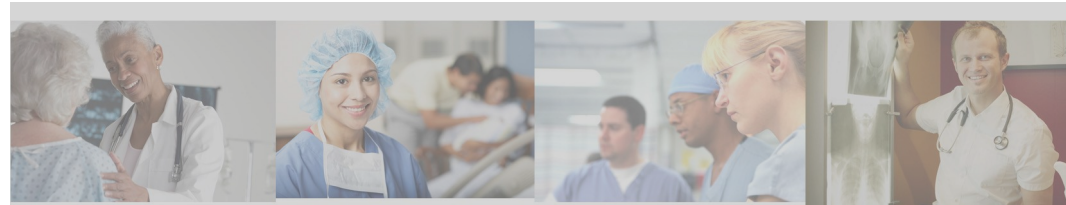
When reporting Medicaid fraud or abuse, remember to document all incidents to the best of your ability so that you can accurately remember what happened and better help the investigators uncover the truth.

WHO IS A MEDICAID PROVIDER?

A provider is any individual or entity participating in the Medicaid program that supplies health care goods and services to Medicaid recipients.

This includes, but is not limited to:

- doctors
- dentists
- hospitals
- nursing homes
- pharmacies
- pharmaceutical companies
- durable medical equipment companies
- transportation companies
- home health care providers
- mental health rehab
- PCS/Waiver/LT-PCS agencies
- Managed Care Organizations (MCO)
- anyone else who submits claims to the Louisiana Medicaid program



WHAT IS ABUSE?

Abuse can be physical, financial, sexual, or verbal.

- **Physical Abuse** – Any type of physical injury is considered physical abuse. Physical abuse includes hitting, slapping, choking and pinching; as well as, using any object or giving any substance which causes unnecessary pain or suffering.
- **Financial Abuse** – Stealing money or property, regardless of its value, is financial abuse. Misusing a power of attorney for one's own advantage, using someone's property without permission or obtaining permission fraudulently are also financial abuse.
- **Sexual Abuse** – Sexual abuse occurs when someone commits a sexual act against another or forces someone to commit a sexual act against another. However, normal sanitary care or medical treatment is not sexual abuse.
- **Verbal Abuse** – Inflicting mental or emotional distress through one's words is verbal abuse. This abuse can be caused by making threats, ridiculing, or cursing others.

In Louisiana, all forms of abuse are considered criminal offenses and failure to report abuse is a crime.

WHAT IS PROVIDER FRAUD?

Fraud is committed when a provider submits false information to the Medicaid program about services rendered or goods supplied to Medicaid recipients.



Medicaid fraud increases the cost of the Medicaid program, which will either cost taxpayers more or result in the denial of necessary services.

EXAMPLES OF PROVIDER FRAUD

- Billing for medical equipment/services that were not actually provided or performed
- Billing for more expensive services or equipment than were actually provided
- Double billing — billing to both Medicaid and a private insurance agency — for the same medical service
- Dispensing generic drugs and billing for brand name drugs
- Giving or accepting “kickbacks” or something of value in return for patient referrals resulting in Medicaid billings
- Billing for services that are not necessary, are not for a medical purpose, are not medically authorized, or are performed by unqualified staff