



MEDICAID FRAUD & ABUSE

ATTORNEY GENERAL LIZ MURRILL

LOUISIANA DEPARTMENT OF JUSTICE

The Louisiana MFCU receives 75 percent of its funding from the U.S. Department of Health and Human Services under a grant award totaling \$8,484,492 for Federal fiscal year (FY) 23/24. The remaining 25 percent, totaling \$2,828,159 for FY 23/24, is funded by the State of Louisiana through funds generated by the MFCU.

A MESSAGE FROM



**Attorney General
Liz Murrill**

Liz Murrill

Combating Fraud

As your Attorney General, I'm deeply committed to ensuring justice for all Louisianans, with a special focus on the elderly and the vulnerable.

Our efforts against Medicaid welfare fraud and nursing home abuse are crucial. These unethical actions not only defraud taxpayers but also deprive vital services from those who need them most. That is why our office is dedicated to relentless investigation and prosecution, saving millions annually by curbing such abuses.

To aid your understanding, we've compiled this booklet; but should you need further assistance, contact our Medicaid Fraud Control Unit at 888-799-6885 or visit us at www.AGLizMurrill.com.



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. During that time, the Louisiana MFCU has prosecuted hundreds of individuals for program violations and recovered millions of tax dollars for the State.

The Louisiana MFCU has been recognized three times as the top-rated Medicaid Fraud Control Unit in the nation by the United States Department of Health and Human Services, Office of the Inspector General. The Louisiana MFCU is the only unit in the nation to win the top honors three times.

OUR MISSION

The mission of the Louisiana MFCU is to aggressively combat the fleecing of taxpayers by fraudulent healthcare providers. Furthermore, our MFCU seeks to protect our most vulnerable citizens - the elderly and mentally disabled - and to vigorously prosecute criminals who prey on them.

WHO IS A MEDICAID PROVIDER?

A Medicaid provider is any individual or entity participating in the Medicaid program that supplies healthcare 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
- Behavioral health providers
- Personal Care Services/Waiver/Long Term-Personal Care Services agencies
- Managed Care Organizations

TYPES OF ABUSE

WHAT IS ABUSE?

Physical Abuse:

Any type of physical contact that results in injury could be considered physical abuse.

Financial Exploitation:

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 is also financial abuse.

Sexual Abuse:

Sexual abuse occurs when someone commits a sexual act against another without consent or forces someone to commit a sexual act. However, normal sanitary care or medical treatment is not sexual abuse.

Mental Abuse:

Inflicting mental or emotional distress through one's words or actions is mental abuse. This can be caused by making threats, ridiculing, or cursing others.

PROVIDER FRAUD

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 results in higher costs for Louisiana taxpayers, and can result in the denial of necessary benefits to those in need.

EXAMPLES OF PROVIDER FRAUD:

- Billing for medical equipment or services that were not actually provided or performed.
- Billing for more expensive services or equipment than were actually provided.
- Dispensing generic drugs but 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, serve no medical purpose, are not medically authorized, or are performed by unqualified staff.

REPORTING FRAUD/ABUSE

SUSPECTED FRAUD OR ABUSE:

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

Louisiana law requires that all healthcare professionals, including nurses and aides, report suspected abuse and neglect within 24 hours. Allegations of abuse may be reported directly to the Louisiana Medicaid Fraud Control Unit, the Louisiana Department of Health, or your local 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 for making a report in good faith.

When reporting Medicaid welfare 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.

REPORTING FRAUD/ABUSE

TIPS FOR REPORTING FRAUD OR ABUSE

Write it down.

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

Be specific.

Answer: 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 the details supporting your suspicions.

CONSEQUENCES

HOW TO REPORT:

Louisiana Medicaid Fraud Control Unit

888.799.6885 (Phone)

225.326.6295 (Fax)

www.AGLizMurrill.com

Post Office Box 94005

Baton Rouge, LA 70804

THE CONSEQUENCES

In Louisiana, all forms of abuse are criminal offenses. Failure to report abuse is also a crime.

But committing medicaid fraud or abuse can result in:

- Immediate termination
- Loss of medical certification or licensure
- Arrest and prosecution
- Severe criminal penalties and fines
- Exclusion from working from any federally-funded healthcare provider for a minimum of five years

EXCLUSIONS

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An excluded individual cannot work, in *any* capacity, for any federally-funded healthcare provider. This includes -- but is not limited to -- doctors, nursing homes, hospitals, and Personal Care Services/home care agencies.

If an excluded individual is employed by a federally-funded provider, both the employee and the employer could face State and Federal penalties of up to \$20,000.

To see if a prospective employee is excluded under Federal law, visit the website of the U.S. Department of Health and Human Services, Office of the Inspector General:

www.oig.hhs.gov/exclusions

To see if a prospective employee is excluded under State law, visit the Louisiana Department of Health's Adverse Actions website:

www.adverseactions.ldh.la.gov/SelSearch

LOUISIANA STATUTES RELATED TO MEDICAID FRAUD & ABUSE

Medicaid Fraud La. R.S. 14:70.1

Cruelty to Persons with Infirmities La. R.S. 14:93.3

Exploitation of Persons with Infirmities La. R.S. 14:93.4

False Statements Concerning Employment in a Nursing or Health Care Facility La. R.S. 14:126.3

Filing or Maintaining False Public Records La. R.S. 14:133

Forgery La. R.S. 14:72

Identity Theft La. R.S. 14:67:16

Abuse of Person with Infirmities Through Electronic Means La. R.S. 14:283.3

Simple Battery of Persons with Infirmities La. R.S. 14:35.2

Sexual Battery of Persons with Infirmities La. R.S. 14:93.5

Theft of Assets of an Aged Person or Disabled Person La. R.S. 14:67.21

Fraudulent Remuneration La. R.S. 14:70.5

Government Benefits Fraud La. R.S. 14:70.9

Duty to Make Complaints La. R.S. 40:2009.20

Non-retaliation by Healthcare Providers La. R.S. 40:2009.17

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

ABOUT THE LOUISIANA DEPARTMENT OF JUSTICE

If you are seeking justice for yourself in a personal, corporate, or family matter, you try to get the best legal representation. But if an entire State or its political subdivisions are injured or victimized by the federal government, a multi-national corporation, or even another State -- that requires an Attorney General.

The Office of the Attorney General *is* the Louisiana Department of Justice, and we work to protect the people of Louisiana as whole. We fight for Louisiana's natural resources, investigate fraud, secure justice for our most vulnerable, and so much more.

We also provide educational content meant to help you make wise choices based on guidance you can trust. With that in mind, we hope this guide has been enlightening and instructive; but should you need more information, please feel free to reach out to our office or your local parish representative.

ABOUT
ATTORNEY GENERAL
LIZ MURRILL



AG Liz Murrill is committed to defending the rule of law and protecting the people of our State. She has argued multiple cases before the U.S. Supreme Court and served as lead counsel in many cases challenging federal overreach, ranging from open border policies and attacks on religious liberty to COVID-19 mandates and First Amendment violations. With more than 30 years experience working in state and federal government, including eight as Louisiana's first Solicitor General, Liz Murrill has been a champion for women, children, and victims demanding justice. Now she is leading the fight to preserve our rights, our industries, and Louisiana's unique way of life. You can learn more at www.AGLizMurrill.com.



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