



NEW YORK STATE SENATOR

David Carlucci

Senator Carlucci Passes Legislation to Combat Medicaid Fraud

DAVID CARLUCCI May 28, 2015

| ISSUE: **PUBLIC ASSISTANCE, MEDICAID, MEDICARE**



Senator David Carlucci (D – Rockland/Westchester) has passed [S2198](#), legislation that will allow the Office of the Medicaid Inspector General to refer suspected fraud or criminality to any prosecutor of competent jurisdiction, including local District Attorneys.

Current law prohibits prosecutors of the local jurisdictions from receiving referrals on Medicaid fraud or abuse cases from the Office of Medicaid Inspector General. This legislation would clarify the law to allow for a referral to local jurisdictions to allow for greater cooperation in Medicaid investigations. It is inexplicable that the county district attorney is

barred from prosecuting crimes that take place within the county and were investigated by a county agency.

New York State spends more on Medicaid than any other state in the country and has some of the highest number of fraud cases. Although experts are unsure of the exact fraud numbers, in 2012 Donald Berwick, a former head of the Centers for Medicare and Medicaid Services (CMS), and Andrew Hackbarth of the RAND Corporation, estimated that fraud (and the extra rules and inspections required to fight it) added as much as \$98 billion, or roughly 10%, to annual Medicare and Medicaid spending—and up to \$272 billion across the entire health system.

“It is inexplicable that our local district attorney’s are barred from prosecuting crimes that take place within their county,” said Senator Carlucci. “This legislation will improve communication and cooperation with the State to increase our ability to fight fraud and save taxpayer money.”

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“Here in Rockland County we have been very aggressive going after Medicaid fraud,” said Rockland District Attorney Thomas Zugibe. “Working together with Senator Carlucci we passed legislation in the Senate to increase cooperation between the State and localities. This will give District Attorneys like myself additional tools to go after fraudulent cases and ultimately save taxpayer dollars.”