

2018 AG REQUEST LEGISLATION

Medicaid Fraud Control Unit Enabling Statute

PROBLEM

Washington's Medicaid Fraud Control Unit is the only Unit nationwide without critical law enforcement powers to help effect its mission to investigate and prosecute taxpayer health care fraud and abuse and neglect of vulnerable adults in residential facilities. The absence of a statute enabling these powers severely impedes the Unit's ability to conduct safe and professional criminal investigations, facilitate collaboration with local law enforcement and participate on task forces. **See back for a map of MFCU state powers nationwide showing Washington as an outlier.**

BACKGROUND

Established in 1978, the Washington State Medicaid Fraud Control Unit has independent jurisdiction and must investigate and prosecute criminal and civil investigation and prosecution of health care provider fraud committed against the State's Medicaid program as well as abuse and neglect of persons in skilled nursing facilities. The Medicaid Fraud Control Unit is the only entity investigating and prosecuting these matters in Washington State.

Any state that receives federal Medicaid program funding must have a Medicaid Fraud Control Unit and that Unit must be able to meet its mission in order to ensure federal Medicaid program funding. Despite being federally mandated, the Washington Legislature has never passed an enabling statute for the Unit granting basic law enforcement powers like issuing search warrants and making arrests. Consequently, the Unit uses the State Patrol for these basic law enforcement functions, which is less efficient and not as effective.

Washington taxpayers incur no expense for the Medicaid Fraud Control Unit. The Unit is self-funded by its own recoveries and generates substantial revenue for the state's Medicaid system.

LEGISLATION (SB 6051 / HB 2273)

This legislation creates an enabling statute for Washington's Medicaid Fraud Control Unit in RCW 74.67. **The statute allows the proper investigatory authority ensuring Washington's Medicaid Fraud Control Unit is able to execute its mission and continue to receive federal funding for the State's Medicaid Program.** Furthermore, the legislation enables the Unit to investigate and prosecute far more complex and revenue generating matters.

SUPPORTED BY

Washington Association of Sheriffs and Police Chiefs, Washington Association of Prosecuting Attorneys, Washington State Patrol, WACOPS



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SPONSORS

Sen. Dhingra (D-45)
Sen. Keiser (D-33)
Sen. Walsh (R-16)
Sen. Frockt (D-46)
Sen. Saldaña (D-37)
Sen. Darneille (D-27)
Sen. Pedersen (D-43)
Sen. Conway (D-29)
Sen. Kuderer (D-48)
Sen. Mullet (D-5)

Rep. Goodman (D-45)

Rep. Klippert (R-8)
Rep. Kilduff (D-28)
Rep. Peterson (D-21)
Rep. Ryu (D-32)
Rep. Haler (R-8)
Rep. Young (R-26)
Rep. Jinkins (D-27)
Rep. Ormsby (D-3)

SUPPORTED BY:

- WASPC – (unanimous vote to support)
- WAPA
- WSP
- WACOPS

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MFCU MAP

NOTES: Green: power to serve search warrants or armed investigators or arrest power. Yellow: none of the green state powers, but one party consent powers. Grey: no powers.

