Secretary Dudek’s Statement about the Signing of Anti-Fraud Legislation

- HB939/SB844 enhances Medicaid provider controls and increase Medicaid provider accountability

Tallahassee, Fla.– Agency for Health Care Administration Secretary Liz Dudek released the following statement about the Governor signing the anti-fraud bill, which will enhance Medicaid provider controls and increase provider accountability:

“I want to thank Governor Scott for his unwavering support of this important legislation and for his commitment to ensuring the Agency has the necessary tools available to prevent and address Medicaid fraud and abuse,” said Secretary Liz Dudek. “I also want to thank Representative Cary Pigman and Senator Denise Grimsley for showing leadership on this issue. Their efforts are appreciated and will make a difference in how we address suspected or confirmed fraudulent activities.”

The following are some key highlights of the new law:

- **Provider Inspection/Oversight/Termination**
  - Additional notification for change of ownership required in Medicaid provider agreement.
  - Defines/clarifies “outstanding payment” and “administrative fines.”
  - Revises Agency on-site inspection responsibilities.
  - Revises who is subject to Level 2 (fingerprint-based) background screening.
  - Expands grounds for provider termination.

- **Sanctions**
  - Requires “with cause” term for voluntary relinquishment of provider status while Agency action (audit, investigation, sanction or termination) is pending.
  - Requires that provider records presented in the defense of an overpayment case be prepared contemporaneously with the service provided.
  - Clarifies that fines are due upon final order.
  - Extends immunity from tort liability for persons reporting or sharing information on Medicaid fraud or program abuse.
  - Clarifies interest rate accrual due to 25(A) pend, when no fraud or abuse determined.

- **Third Party Liability**
  - Each party assumes own costs and attorney fees.
  - Outlines challenge process for payment to Agency via the Department of Administrative Hearings.
The Agency for Health Care Administration is committed to better health care for all Floridians. The Agency administers Florida's Medicaid program, licenses and regulates more than 45,000 health care facilities and 37 health maintenance organizations, and publishes health care data and statistics at www.FloridaHealthFinder.gov. Additional information about Agency initiatives is available via Facebook (AHCAFlorida), Twitter (@AHCA_FL) and YouTube (/AHCAFlorida).

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