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AG STEVE MARSHALL ASKS CONGRESS TO EXPAND STATES' ABILITY TO COMBAT ABUSE AND NEGLECT OF MEDICAID PATIENTS

(MONTGOMERY) – Alabama Attorney General Steve Marshall, along with a bipartisan group of 48 other state and territory attorneys general, is asking Congress to ease federal restrictions that limit States' ability to investigate and prosecute the abuse and neglect of Medicaid beneficiaries.

Attorney General Marshall and the other attorneys general yesterday sent a letter to U.S. Representatives Tim Walberg, R-Mich., and Peter Welch, D-Vt., in support of their legislation, H.R. 3891, which would expand the authority of Medicaid Fraud Control Units (MFCUs) to detect, investigate and prosecute Medicaid patient abuse in non-institutional settings.

If enacted, the legislation would allow state MFCUs, most of which are housed within state attorney general's offices, to investigate and prosecute abuse and neglect of Medicaid beneficiaries in non-institutional settings and broaden their authority to screen complaints or reports alleging potential abuse or neglect. Under current law, MFCUs may investigate and prosecute patient abuse and neglect only if it occurs in a healthcare facility or, in some circumstances, in a board and care facility. That means other cases of abuse and neglect of Medicaid patients – such as in a home health care setting – fall outside the unit's authority.

"In the past, most Medicaid services were provided in healthcare facilities, but over time the way services are delivered has changed and expanded to better meet needs and current lifestyles. In many cases, Medicaid services now are provided to clients in their own homes, transportation assistance may be covered, and other community-based services are available," said Attorney General Marshall. "We need the authority to protect all Medicaid recipients, but currently it is limited to those in traditional facilities. Wherever Medicaid services are provided, we need to be able to investigate and prosecute providers who are neglectful or abusive."

Attorney General Marshall's office has a Medicaid Fraud Control Unit that investigates and prosecutes cases of fraud by Medicaid providers as well as abuse, neglect and financial exploitation. People with concerns may contact the Unit through email at mcfu@ago.state.al.us.

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The attorneys general also stressed to the lawmakers the importance of expanding this authority in light of the national opioid epidemic. The bill would, for example, give states the authority to investigate and prosecute cases of unlawful opioid distribution to Medicaid beneficiaries, which under current law they may only do if the case occurred within a health care facility or a board and care facility.

The legislation came after a similar group of 38 attorneys general wrote to then-U.S. Secretary of Health and Human Services Tom Price in May of 2017, asking for changes in federal regulation to give the states this expanded authority. However, the Department concluded that the expanded authority would require a change in federal law that could not be done through the regulatory process. The bill, introduced by Walberg and Welch, was in direct response to the attorneys general's letter and subsequent response from the Department.

In addition to Attorney General Marshall in Alabama, the other attorneys general who signed the letter were of Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virgin Islands, Virginia, Washington, West Virginia, Wisconsin and Wyoming.

A copy of the letter is available through this [link](#).