

# Office of the Attorney General



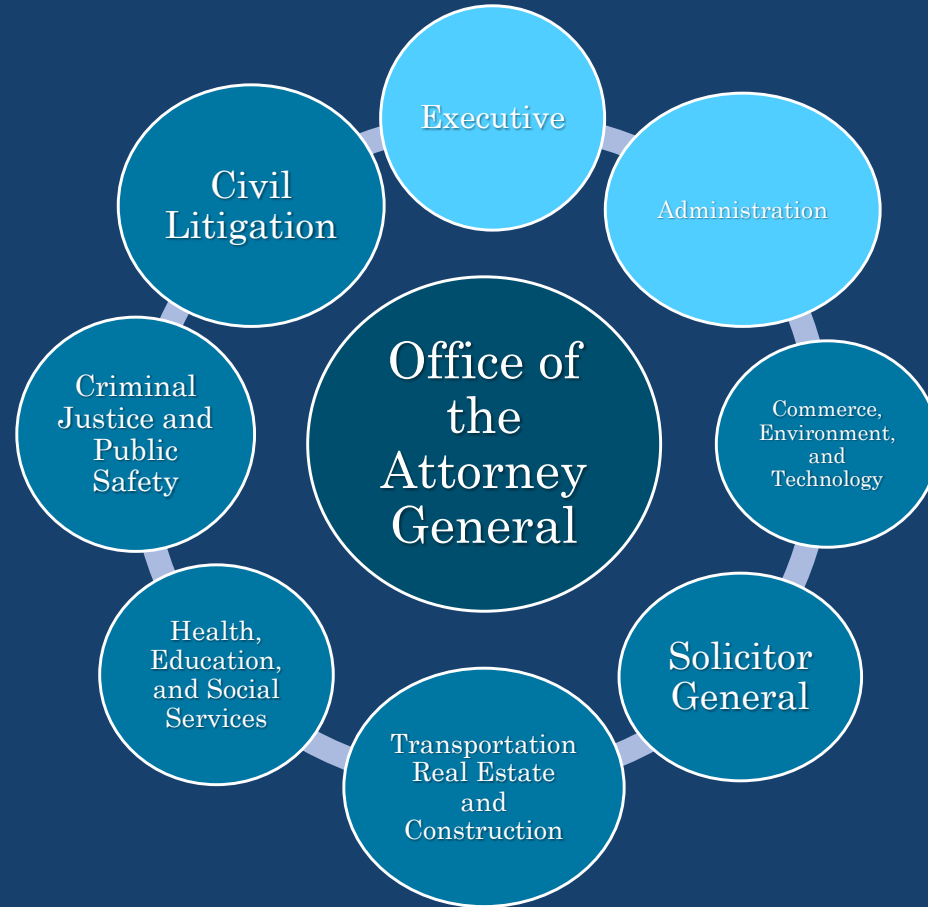
Medicaid Fraud Control Unit  
MFCU

214 Abingdon Place, Abingdon, VA 24211

# DISCLAIMER

**The views and opinions  
shared here are those of  
the presenter and not  
necessarily those of the  
Attorney General's Office**

# 1 Agency, 8 Divisions, 418 Staff



# Criminal Justice and Public Safety

- Criminal Appeals
- Health care Fraud and Elder Abuse
- Major Crimes and Emerging Threats
- Correctional Litigation
- Computer Crimes
- Sexually Violent Predators Civil Commitment

# Health Care Fraud and Elder Abuse

Provides protection for the Commonwealth by investigating and prosecuting Medicaid fraud from providers receiving payment from Medicaid.

- Provider Fraud Investigations and Prosecutions
- Elder Abuse and Neglect of Incapacitated Patients
- Collaborations with Department of Medical Assistance Services
- Partnerships with Local Commonwealth's Attorneys and the United States Attorney's Office



# History

1965 Medicaid created

1977 Medicare-  
Medicaid Anti-Fraud  
& Abuse Amendments

49 States have MFCU  
(North Dakota)

44 Located in Office of Attorney General

6 Located in other state agency

Attorneys

Administrative Staff

Investigators: Non-Sworn

Investigators: Sworn (Law Enforcement Powers)

**Nationally**

# VIRGINIA

- Richmond (Main Office)
- Fairfax
- Roanoke
- Abingdon



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1 Assistant Attorney General

1 Supervisor

5 Criminal Investigators

2 Paralegals

1 Community Outreach  
Coordinator

## **Abingdon Office**

## Medicaid Provider Fraud

- Fraudulently Obtaining Medicaid Payments

## Patient Abuse/Neglect

- Client must be receiving Medicaid
- Or a Resident of facility billing Medicaid

# Referrals

DMAS (VA's Medicaid Agency)

MFCU Tipline

- 804-371-0779
- 800-371-0825

MFCU Email

- [MFCU\\_mail@oag.state.va.us](mailto:MFCU_mail@oag.state.va.us)

FAX

- 276-628-5971

# Referrals

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US Mail

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PPL Public Partnerships

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Social Services – APS

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Law Enforcement

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Other agencies

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Health Insurance Company

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Direct report to investigator

# Fraud Cases

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Billing For Services Not Rendered

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Fraudulent Billing

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Duplicate Billing

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Kickbacks

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Overcharging

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Unnecessary Services

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Upcoding of Service

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And others

# Abuse & Neglect Cases

- Failure to Provide Medically Necessary Care
  - Pressure Sores
- Patient Abuse
  - Physical Assault
  - Sexual Assault
  - Burns
  - Neglect Resulting in Injury/Suffering
  - Failure to get Medical Attention after Accident
  - Restraint

# Investigative Methods

- Document/Records Review
  - Timesheets
  - Billing Records
  - Training Records
  - Bank Records
  - Medical Records
  - Telephone Recordings
  - Target's social media

# Investigative Methods

- Subpoenas
  - Banks
  - Medicaid Providers
  - Cell Phone Carrier
  - Hospitals
  - Private Company
    - Employee time in / time out



## Investigative Methods

### Audit & Inspect

- 32.1-310

### Search Warrant

- Local Law Enforcement Partners
  - Police Departments
  - Sheriff's Offices
  - Virginia State Police
  - Commonwealth's Attorney's Office
- Federal Partners
  - FBI
  - HHS
  - FDA
  - DEA
  - USAO

## Investigative Methods

### Forensic Examination of Electronic Device

- Computer
- Cell Phone

### Surveillance

- Usually Individual Provider

### Hidden Camera

- Nursing Home

### Undercover

- Pose as Medicaid Recipient for Services

# Targets

- Individuals
  - PCA, CNA, Doctor, Nurse, Facilitator, Company Owner
- Company/Corporation
  - Home Healthcare
  - Nursing Home
  - Facilitator
  - Medical Device Supply
  - Medical Transport

- Successful Prosecution
  - Requires Intent
    - Mental attitude with which an individual acts, inferred from facts and circumstances.
  - Probable Cause to Charge
  - Evidence to Convict

# The Goal

## Prosecution

Prosecution by Local  
CA or Assistant  
Attorney General  
(State Court)

Prosecution by  
United States  
Attorney's Office  
(Federal Court)

# Common Charges – State Court

## Medicaid Fraud

- § 32.1-314

## Obtaining Money by False Pretense

- § 32.1-178

## Forgery

- § 18.2-172

## Abuse & Neglect of Incapacitated Adult

- § 18.2-369

# Common Charges – Federal Court

## Healthcare Fraud/Conspiracy

- 18 USC § 1347 / 18 USC § 1349

## False Statements in a Healthcare Matter

- 18 USC § 1035

## Wire Fraud

- 18 USC § 1343

## Drug Trafficking

- 21 USC § 841

# Partnerships

United States  
Attorney's Office

Commonwealth's  
Attorney

HHS/OIG

FDA

DEA

Virginia State  
Police

TBI

Sheriff's Office

Town/City Police  
Departments



## Significant Cases

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Pharmaceutical companies

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Drug trafficking doctors

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Ambulance cases

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Services Facilitators

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Abuse and Neglect

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Personal Care Aides

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Other providers



## **UPDATE: Lebanon doctor guilty of illegal distribution of narcotics**

by WCYB Digital

Wednesday, August 1st 2018



## Saltville Rescue Squad president convicted of health care fraud



By Laurence Hammack981-3239

Updated Jun 7, 2019

# Washington Co., Va. woman sentenced for elder abuse; victim had 'large cancerous mass' on head & weighed 65 pounds, prosecutors report

Murry Lee

2 weeks ago



## Department of Justice

Office of Public Affairs

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FOR IMMEDIATE RELEASE

Friday, July 24, 2020

### **Indivior Solutions Pleads Guilty To Felony Charge And Indivior Entities Agree To Pay \$600 Million To Resolve Criminal And Civil Investigations As Part Of DOJ's Largest Opioid Resolution**

#### **Resolutions Follow CEO Guilty Plea and \$1.4 Billion Settlement with Former Corporate Parent**

Indivior Solutions today pleaded guilty to a one-count felony information and, together with its parent companies Indivior Inc. and Indivior plc, agreed to pay a total of \$600 million to resolve criminal and civil liability associated with the marketing of the opioid-addiction-treatment drug Suboxone. Together with a \$1.4 billion resolution with Indivior's former parent, Reckitt Benckiser Group PLC (RB Group), announced in 2019, and a plea agreement with Indivior plc's former CEO, Shaun Thaxter, announced last month, the total resolution relating to the marketing of Suboxone is more than \$2 billion — the largest-ever resolution in a case brought by the Department of Justice involving an opioid drug.

The Washington Post

PowerPost

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PowerPost Review

## Parents, caretaker neglected children living in feces-fouled room in Medicaid fraud

By Joe Davidson | Columnist July 31

# The Washington Post

The federal punishment exceeded sentencing guidelines. When the prison terms were announced, Overbeck said that U.S. District Judge James P. Jones condemned Branch and the Harts for their “brazen greed that was beyond understanding.”<sup>10</sup>

# QUESTIONS?



# Contact Information

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