

OFFICE OF THE MEDICAID INSPECTOR GENERAL

The Office of Medicaid Inspector General (OMIG) has been established by statute (Chapter 442 of the Laws of 2006) as an independent entity within the New York State Department of Health to improve and preserve the integrity of the Medicaid Program by conducting and coordinating fraud, waste and abuse control activities for all State agencies responsible for services funded by Medicaid. The Law consolidates staff and other Medicaid fraud detection, prevention and recovery functions into a single more efficient and accountable office; dramatically reorganizes and streamlines the State's process of detecting and combating Medicaid fraud, waste, and abuse; and maximizes the recoupment of improper Medicaid payments.

New York State is committed to providing the tools and resources necessary to fight Medicaid fraud, waste and abuse, and has -- over the past decade -- increased surveillance efforts and moved forward with a multi-million dollar, state-of-the-art data warehouse that helps investigators identify fraudulent and inappropriate Medicaid claims. New York's Medicaid anti-fraud and abuse activities range from pre-enrollment provider investigations to audits and investigations of active providers' billings and practices that can result in the recovery of inappropriate payments and/or termination from the Program where unacceptable practices exist.

The OMIG will coordinate the Medicaid fraud, waste and abuse control activities of State executive agencies whose clients are served by Medicaid, including the Department of Health (DOH), the Office of Mental Health (OMH), the Office of Mental Retardation and Developmental Disabilities (OMRDD), the Office of Alcoholism and Substance Abuse Services (OASAS), and the Office of Children and Family Services. Additionally, the OMIG will also work in a coordinated and cooperative manner with the Attorney General's Medicaid Fraud Control Unit, the Welfare Inspector General, the State Education Department, Federal prosecutors, district attorneys within the State, the special investigative units maintained by each health insurer operating within the State, and the State Comptroller.

Legal interns are assigned to the OMIG's Office of Counsel. They are primarily responsible for working directly with Office of Counsel staff attorneys on a variety of legal and policy issues related to the prevention and detection of Medicaid fraud, waste and abuse. The OMIG welcomes the opportunity to form a mutually beneficial relationship with legal interns. The OMIG is committed to providing an environment outside of the classroom, where legal interns can continue their learning, and utilize their legal skills in a "real world" setting.

Office of Counsel

Robert Hussar, Acting Medicaid Inspector General and General Counsel

The Office of Counsel plays a vital part in the OMIG's mission and has seven attorneys and additional support staff located throughout the State. The high volume of statutory/regulatory/policy issues result in a need for significant legal support. This includes providing legal advice on Medicaid law and policy as well as anti-Medicaid fraud, waste and abuse operations including, but not limited to, audit and investigation protocols, strategies, provider hearings, subpoenas, legal interpretations, confidentiality agreements, and provider sanctions including fines, terminations and exclusions.

In addition to providing general legal advice and drafting legislation, regulations, memoranda and Administrative Directives, staff attorneys defend the OMIG's actions in cases wherein a Medicaid provider requests an administrative hearing to challenge a Final Audit Report (recovery of overpayments) or a Notice of Agency Action (provider sanctions). This includes analysis of the merits of the case, preparation of documents and witnesses, presentation of the OMIG's case at hearing and submission of a post-hearing brief. If the OMIG prevails at hearing and the provider brings an Article 78 proceeding or other legal action, the attorney will provide assistance to the Office of the Attorney General in its defense of the case in court. Many audit and fraud related administrative cases settle prior to hearing. Staff attorneys conduct those negotiations, advise staff as to strategy, costs and benefits associated with settlement versus proceeding to hearing, and draft settlement agreements for matters that settle.

Legal Interns are assigned to work directly with staff attorneys in the Office of Counsel. They play an equally vital role assisting the OMIG in its overall mission. As part of their responsibilities, legal interns are likely to be assigned to a variety of projects that involve the review of Medicaid related statutes, regulations and policies, as well as interaction with various bureaus within the OMIG. Their work is as varied as that of the OMIG staff attorneys. Specific tasks performed by legal interns might include the following: performing legal research on a variety of state and federal Medicaid and/or health care related issues, assisting a staff attorney in preparing for an administrative hearing, attending meeting with OMIG staff to discuss various policy changes and or initiatives, drafting regulations or legislation, assisting a staff attorney in defending an Article 78 proceeding, and providing legal opinions requested by OMIG staff. Prospective legal interns should possess excellent legal research and writing skills, as well as good communication skills.