
HOUSE BILL 2273

State of Washington

65th Legislature

2018 Regular Session

By Representatives Goodman, Klippert, Kilduff, Peterson, Ryu, Haler, Young, Jinkins, and Ormsby; by request of Attorney General

Prefiled 12/12/17. Read first time 01/08/18. Referred to Committee on Judiciary.

1 AN ACT Relating to the medicaid fraud control unit; and adding a
2 new chapter to Title 74 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that medicaid
5 provider fraud and the abuse and neglect of persons in nursing
6 facilities, adult family homes, and long-term care services present a
7 serious risk of harm to the people of the state of Washington in
8 general and to vulnerable adults in particular. The legislature
9 intends with this chapter to enable the medicaid fraud control unit
10 within the office of the attorney general to achieve its limited but
11 vital mission to detect, deter, and prosecute the specialized areas
12 of medicaid fraud, abuse, and neglect in Washington's medicaid
13 system. This jurisdiction will also facilitate the medicaid fraud
14 control unit's capacity to fulfill its investigative and
15 prosecutorial obligations under the federal grant, 42 U.S.C. Sec.
16 1396b(q), to ensure that the federal grant funding requirements for
17 Washington's medicaid program are met. Failure to meet these federal
18 program integrity standards could jeopardize the federal funding for
19 Washington's medicaid program. Furthermore, the legislature intends
20 by this chapter that the medicaid fraud control unit will fully

1 coordinate its efforts with county and local prosecutors and law
2 enforcement to maximize effectiveness and promote efficiency.

3 NEW SECTION. **Sec. 2.** (1) The attorney general shall establish
4 and maintain within his or her office the medicaid fraud control
5 unit.

6 (2) The attorney general shall employ and train personnel to
7 achieve the purposes of this chapter, including attorneys,
8 investigators, auditors, clerical support personnel, and other
9 personnel as the attorney general determines necessary.

10 (3) The medicaid fraud control unit has the authority and
11 criminal jurisdiction to investigate and prosecute medicaid provider
12 fraud, abuse and neglect matters as enumerated in 42 U.S.C. Sec.
13 1396b(q)(4) where authority is granted by the federal government, and
14 other federal health care program fraud as set forth in 42 U.S.C.
15 Sec. 1396b(q).

16 (4) The medicaid fraud control unit shall cooperate with federal
17 and local investigators and prosecutors in coordinating local, state,
18 and federal investigations and prosecutions involving fraud in the
19 provision or administration of medical assistance, goods or services
20 pursuant to medicaid, medicaid managed care, abuse and neglect
21 matters as enumerated in 42 U.S.C. Sec. 1396b(q)(4), or medicare
22 where such authority is obtained from the federal government, and
23 provide those federal officers with any information in its possession
24 regarding such an investigation or prosecution.

25 (5) The medicaid fraud control unit shall protect the privacy of
26 patients and establish procedures to ensure confidentiality for all
27 records, in accordance with state and federal laws, including but not
28 limited to chapter 70.02 RCW and the federal health insurance
29 portability and accountability act.

30 (6) The attorney general may appoint medicaid fraud control
31 investigators to detect, investigate, and apprehend when it appears
32 that a violation of criminal law relating to medicaid fraud, medicaid
33 managed care fraud, medicare fraud, or abuse and neglect matters as
34 enumerated in 42 U.S.C. Sec. 1396b(q)(4) has been or is about to be
35 committed and specify the extent and limitations of the
36 investigators' duties and authority in carrying out the limited scope
37 and purposes of this chapter.

1 (7) For purposes of mandatory reporting under RCW 74.34.035, the
2 medicaid fraud control unit within the office of the attorney general
3 is an appropriate law enforcement agency.

4 NEW SECTION. **Sec. 3.** Sections 1 and 2 of this act constitute a
5 new chapter in Title 74 RCW.

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