

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 6051

Chapter 238, Laws of 2018

65th Legislature
2018 Regular Session

MEDICAID FRAUD CONTROL UNIT

EFFECTIVE DATE: June 7, 2018

Passed by the Senate March 5, 2018
Yeas 49 Nays 0

CYRUS HABIB

President of the Senate

Passed by the House February 27, 2018
Yeas 96 Nays 2

FRANK CHOPP

Speaker of the House of Representatives

Approved March 22, 2018 4:37 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6051** as passed by Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

March 26, 2018

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6051

AS AMENDED BY THE HOUSE

Passed Legislature - 2018 Regular Session

State of Washington 65th Legislature 2018 Regular Session

By Senate Law & Justice (originally sponsored by Senators Dhingra, Keiser, Walsh, Frockt, Saldaña, Darneille, Pedersen, Conway, Kuderer, and Mullet; by request of Attorney General)

READ FIRST TIME 01/26/18.

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.

38 (7) The department of social and health services or law
39 enforcement agencies that receive mandatory reports under RCW

1 74.34.035 may share such reports in a timely manner with the medicaid
2 fraud control unit within the office of the attorney general.

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

Passed by the Senate March 5, 2018.

Passed by the House February 27, 2018.

Approved by the Governor March 22, 2018.

Filed in Office of Secretary of State March 26, 2018.

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