

# National Association of Medicaid Fraud Control Units



2018– 2019  
Annual Report





## NAMFCU'S MISSION

The mission of the Association is to serve and promote the success of its member Units in meeting their statutory obligations both in combatting Medicaid provider fraud and protecting our nation's health care facility residents, through training, communication, and information sharing.

The National Association of Medicaid Fraud Control Units (NAMFCU) has many Committees and Working Groups to address different areas such as; multistate cases, involving the Medicare and Medicaid Programs and training with a focus on both Medicaid fraud and resident abuse. The MFCU staff who volunteer to address the needs of these Committees spend countless hours serving the needs of the Association. The results of their outstanding achievements are described in this report.

## HISTORY OF THE ASSOCIATION

One year after the signing of [P.L. 95-142](#), the Medicare-Medicaid Anti-Fraud and Abuse Amendments, by President Jimmy Carter on October 25, 1977, 19 MFCU Directors met formally for the first time in Mt. Laurel, New Jersey at the inaugural National Training Conference for Medicaid Fraud Control. These Directors met with key staff of the then-U.S. Department of Health, Education and Welfare (HEW) to discuss regulations, criteria for Unit certification and recertification and other matters of mutual concern. It was at this first meeting, due to a difference in opinion with HEW staff regarding the reporting requirements of the Units and the need for investigative confidentiality, that the Unit Directors recognized the need to form a national association.

Formal organization of NAMFCU took place two months later, on December 12, 1978 at the National Conference on Fraud, Abuse and Error in Washington, D.C. The Unit Directors from the 20 then-certified states met to elect a President and to form an Executive Committee that would ensure that all states had equal representation. Charles (Joe) Hynes, New York State Deputy Attorney General and Special Prosecutor for Nursing Homes, Health and Social Services was elected the first NAMFCU President. Currently, NAMFCU is made up of 50 states, the District of Columbia, Puerto Rico and the Virgin Islands with a total of approximately 2,000 state MFCU members.



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## **President's Message from Randall Clouse 2018—2019**



NAMFCU had a banner year, starting with three new member MFCUs and including a wide array of Committee accomplishments.

The Training Committee maintained its commitment to offer high quality training for MFCU employees and to develop new innovative training programs. The Training Committee continued to offer multiple training programs for MFCU staff ranging from an introductory course for new employees to a highly complex training program for more experienced employees. In addition, the Training Committee is responsible for planning and implementing the Association's Annual Training Program. My compliments to the Committee for coordinating two highly successful Annual Training Programs during this time period, one in San Diego, 2018, and the second in Richmond, 2019.

The Global Case Committee continued to resolve important global cases and to train MFCU attorneys and data analysts about investigating and settling global cases. The Resident Abuse Committee held the first training program in several years, which was a resounding success, attended by over 200 MFCU staff.

During my Presidency, I appointed a MFCU Expanded Jurisdiction Working Group. The Group was tasked with continuing to pursue a proposal to expand the jurisdiction of the MFCUs to investigate and prosecute abuse and neglect in a non-institutional setting. A House bill was introduced in January and in July a Senate bill was introduced.

Throughout the past year, I have had the privilege of representing NAMFCU at meetings of various organizations. I was invited to address the Chief Deputies in May, 2019. This was a great opportunity for NAMFCU to describe and promote the work of the MFCUs since there are so many new Attorneys General and Chief Deputies. I'm also proud to report that we are beginning to build a very positive relationship with the National Association of Medicaid Program Integrity (NAMPI). For the first time, 27 MFCUs attended the NAMPI conference and 9 MFCU Directors spoke at the conference. We hope to continue building on this positive relationship by exploring the possibility of a joint training program with NAMPI.

After three years of successful implementation, the Executive Committee agreed to review the first NAMFCU Strategic Plan that was adopted in 2016. Several changes were adopted.

I would be remiss if I concluded my message without expressing my sincere appreciation to Barbara Zelner, Executive Director, Ashley Swift, Projects Manager, Linda Vang, Meetings Manager, and Angel Rutter, Meetings and Membership Coordinator, for their tireless efforts and unending support during my term as NAMFCU President.

It has been a pleasure and an honor to serve you all.

Sincerely,

A handwritten signature in black ink, reading "Randall L. Clouse". The signature is written in a cursive, flowing style.

Randall Clouse  
2018-2019 NAMFCU President  
Director, Virginia MFCU

## Message from the NAMFCU Executive Director



I am very pleased to share with you the 2018-2019 Annual Report of NAMFCU which covers NAMFCU's activities between October 2018 through October 2019. This report is intended to highlight the many accomplishments of NAMFCU and its Committees including the Training, Global, and Resident Abuse Committees.

Please join me in welcoming our newest members, Puerto Rico, U.S. Virgin Islands, and North Dakota. Puerto Rico and the Virgin Islands were certified by the U.S. Department of Health and Human Services, Office of the Inspector General, in December 2018. North Dakota was certified in September 2019. These MFCUs became fully operational in 2019.

This report could not have been completed without the assistance of many people. On behalf of the National Association of Medicaid Fraud Control Units, I would like to express my sincere appreciation to Randall Clouse, President, NAMFCU and Director, Virginia MFCU, his leadership contributed to the Association's many successes during his term as President. Special thanks go to Ashley Swift for her assistance with developing and publishing this report.

In addition, I would like extend my sincere appreciation to the entire NAMFCU staff, Ashley, Linda Vang, and Angel Rutter, for their continuing efforts to provide outstanding service to Association's membership, during this period.

And to the dedicated public servants of the state Medicaid Fraud Control Units who contribute daily to protecting the integrity of our nation's health care system and to protecting the most vulnerable of our population. It is an honor and a privilege to work for the MFCUs nationwide.

Sincerely,

A handwritten signature in black ink that reads "Barbara L. Zelner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Barbara L. Zelner  
Executive Director

## NAMFCU Staff



**Ashley Swift**  
**Projects Manager**

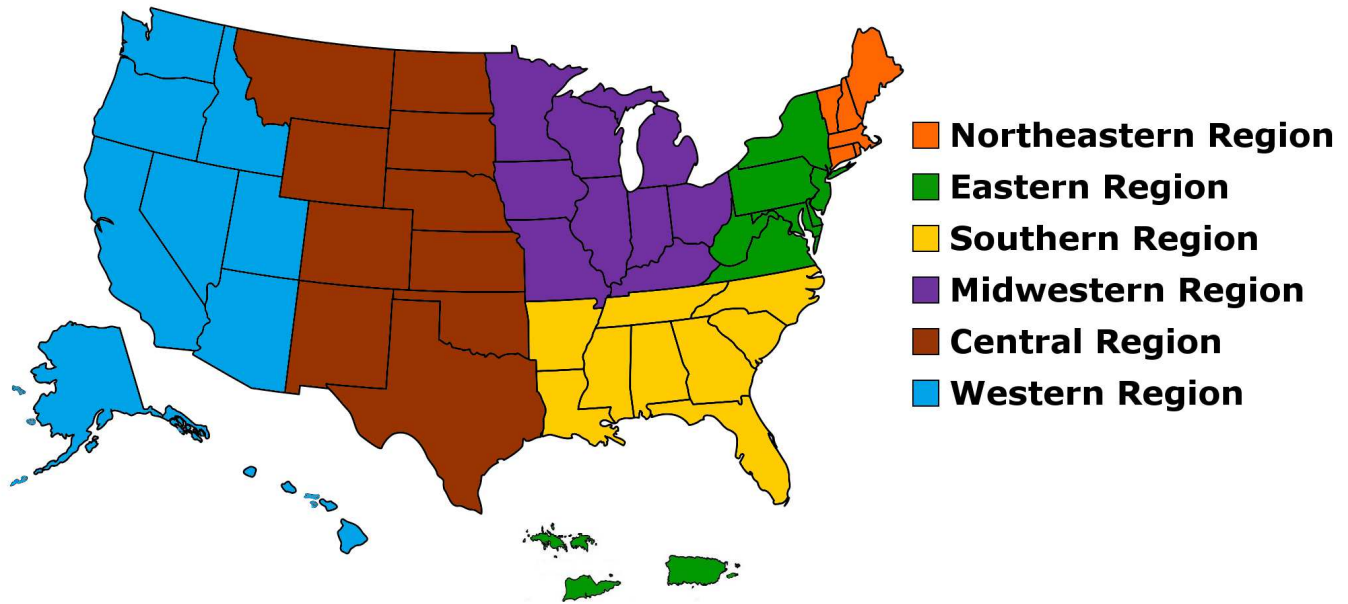


**Linda Vang**  
**Meetings Manager**



**Angel Rutter**  
**Meetings and Membership  
Coordinator**

## NAMFCU Regional Map



In October 2019, Puerto Rico and the U.S. Virgin Islands were officially added to the NAMFCU Eastern Region. North Dakota was formally added to the Central Region.

## Executive Committee

According to the NAMFCU By-Laws, the Executive Committee is charged with the management of the Association. The Committee is comprised of the President, Vice-President, six Regional Representatives, one honorary member from New York, and the Association's Past Presidents. The Executive Committee, except for Past Presidents and the New York member, is elected at the Annual Training Program each year by the Association's Directors. The Committee adopts an annual budget for the Association and submits an annual report about the Association's financial affairs at the annual Directors' Business Meeting.

The President is the principal officer of the Association, and presides at all Association meetings, appoints Chairs and members of all NAMFCU's Committees and Working Groups and is the spokesperson for the Association.



**2018—2019 Executive Committee**

**Back left to right: Larissa Payne (WA), Bob Booth (CO), Randy Clouse (VA), David Tanay (MI), Eddie Kirby (NC)**

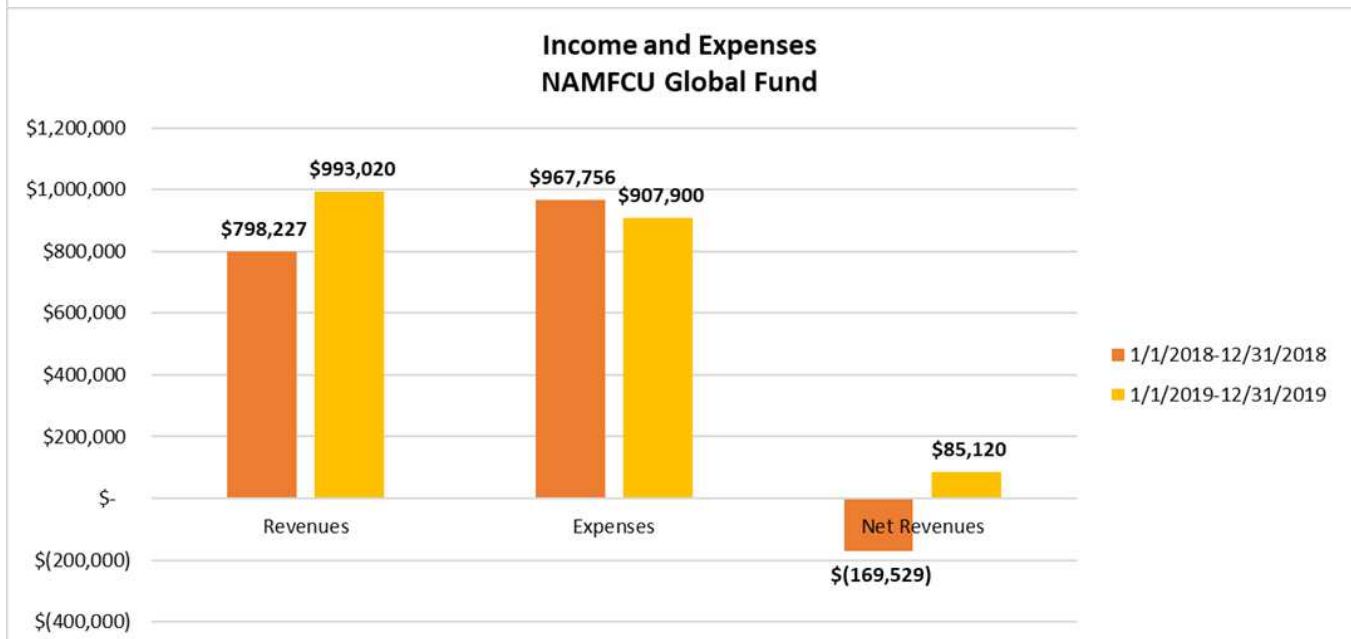
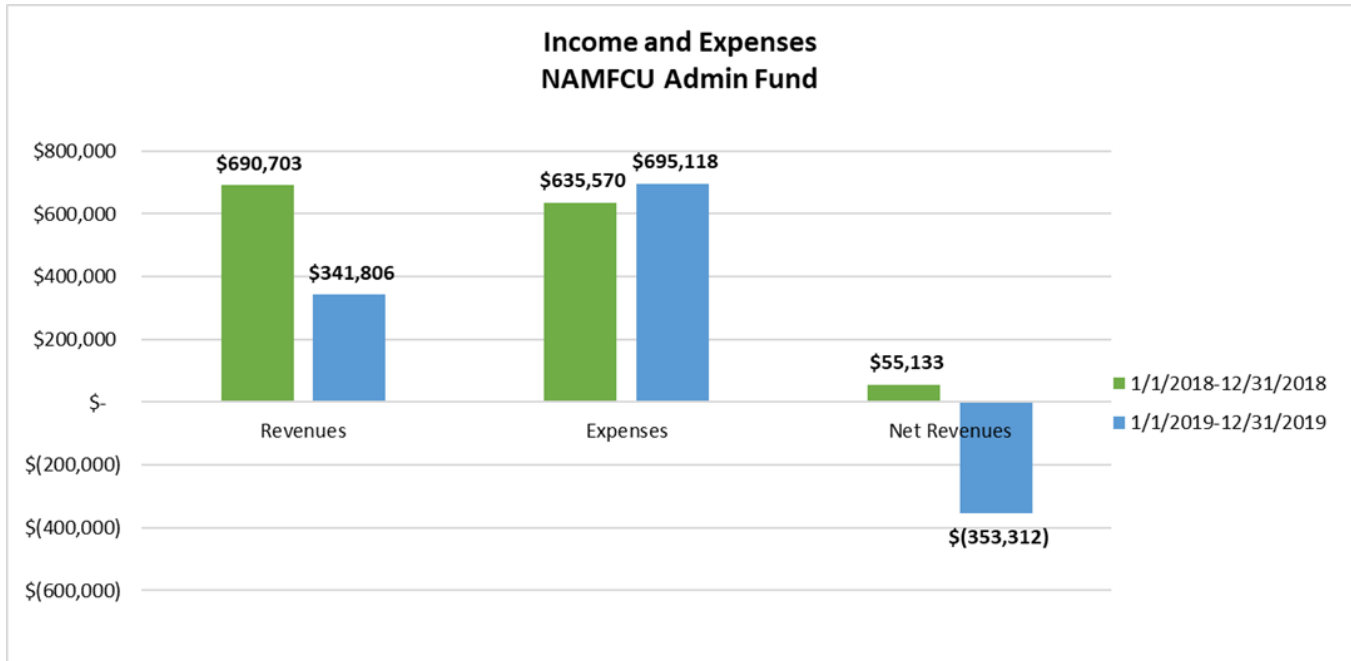
**Front left to right: Mark Collins (NE), Michelle Rudovich (KY), Toby Unger (MA), Keesha Mitchell (OH), Mykel Fry (OK)**

**Not pictured: Amy Held (NY), Bruce Lieberman (AL) and Laurie Malone (PA)**

# Finance Committee

The Finance Committee prepares and recommends to the Executive Committee a budget for the following two fiscal years for the Association as well as a third-year budget estimate. Membership is comprised of the President, Vice-President, (who shall chair the Committee), and two to four other Directors from Units.

From July 1, 2018—December 31, 2019 NAMFCU operated on an 18 month budget. Effective January 1, 2020 the Association will have a calendar year budget. The charts below are reflective of a expenses and revenues for calendar years 2018 and 2019 and do not reflect the NAMFCU fiscal years for the time period of this report.



## Global Case Committee

The Global Case Committee (GCC) manages the cases currently being investigated, litigated, settled, or otherwise handled by NAMFCU. In addition to global case management, the GCC also prepares, facilitates and staffs global case trainings. The GCC is comprised of two Subcommittees, the Data Analyst and *Qui Tam* Subcommittees.

The GCC has several Working Groups. These are the Antitrust Working Group, the Bankruptcy Working Group, the Model Documents Working Group and the Training Working Group. In June 2019, the GCC held a Team Leader Symposium in Baltimore, Maryland with 44 participants from 16 states which was coordinated by the Training Working Group.

The success of the NAMFCU global case process is dependent on the cooperation and collaboration of all the MFCUs, and NAMFCU encourages its members to look beyond their individual state perspectives when participating in the process. The goal is to protect not only the individual state programs, but also the integrity of the Medicaid program nationwide.



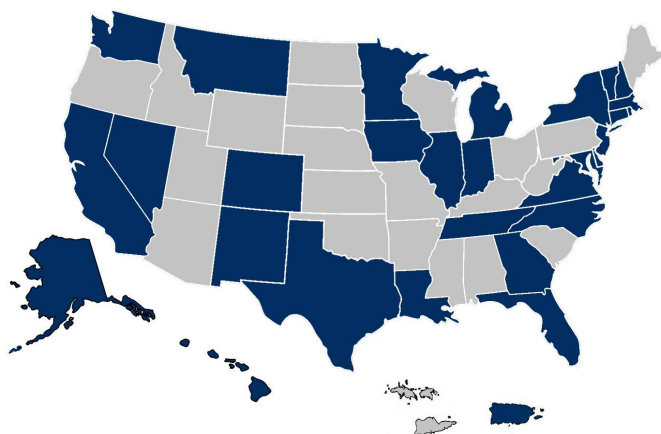
GCC Co-Chairs Nick Paul (CA) and Christen Nedwick (TX)

## Global Case Process

The federal government and defense attorneys recognize that addressing issues with one state Medicaid program does not resolve Medicaid claims in other states. Most states, like the federal government, have the authority to exclude a convicted provider from their Medicaid programs, and health care entities subject to investigation for suspected Medicaid fraud have a significant incentive to resolve all potential Medicaid liability simultaneously. Resolution of these cases would be significantly more difficult if defense attorneys had to litigate cases in different forums, obtain separate settlement agreements from individual states and negotiate separate terms with each state.

### *Qui Tam* Subcommittee

The federal False Claims Act (FCA) includes *qui tam* provisions that provide the authority and financial incentive for private individuals (known as “relators”) to enforce the FCA on behalf of the federal government. In many cases, *qui tam* relators (often called whistleblowers) are either current or former employees of the companies or entities under investigation, and the FCA protects them from retaliatory actions by their employers. A *qui tam* complaint is filed under seal, usually in federal district court, and remains under seal for at least 60 days to allow the government time to conduct an adequate investigation. As of 2019, thirty states, the District of Columbia, and Puerto Rico have enacted false claims statutes with *qui tam* provisions.



\*States highlighted blue have a FCA statute

## 2019 Resolved Global Cases

Defendant	Total Medicaid Settlement (Federal and State)	Total State Medicaid Amount
Amerisource Bergen	\$99,863,569	\$43,190,994
Avalign	\$3,128,315	\$1,368,592
CareFusion	\$1,086,180	\$477,445
Health Management Associates	\$5,257,383	\$1,678,084
HealthSouth	\$3,742,412	\$1,608,263
Miraca	\$299,613	\$122,100
Reckitt Benckiser	\$467,071,461	\$200,000,000
Walgreens	\$59,317,896	\$27,617,315
Walgreens Boots Alliance	\$89,185,625	\$41,164,186
<b>Grand Totals</b>	<b>\$728,952,454</b>	<b>\$317,226,979</b>

\*Time period of resolution is October 2018 - October 2019

## Selected Resolved Global Cases

- Amerisource Bergen— This case settled allegations that Amerisource Bergen introduced adulterated drugs into interstate commerce. The settlement recovered \$43.19 million for the State Medicaid programs.
- CareFusion— The settlement for this case resolved allegations that CareFusion marketed and sold medical devices for distribution that lacked the required 510(k) clearance. The settlement recovered \$477,455 for the State Medicaid programs.
- HealthSouth— The NAMFCU team settled allegations that HealthSouth implemented practices and policies that cause unqualified patients to be admitted to inpatient rehabilitation facilities, resulting in false claims to be paid or approved by the government. The settlement resulted in recoveries of \$1.60 million for the State Medicaid programs.
- Miraca— This case settled allegations that Miraca Life Sciences and Modernizing Medicine engaged in a scheme to offer valuable Electronic Health Records systems consulting and support in exchange for physicians referrals for pathology lab services. The NAMFCU Team negotiated a settlement of \$122,100 for the impacted State Medicaid programs.
- Reckitt Benckiser— The NAMFCU team resolved allegations that settle allegations that the company, improperly marketed the drug Suboxone. Suboxone is a drug product approved for use by recovering opioid addicts to avoid or reduce withdrawal symptoms while they undergo treatment. The settlement resulted in recoveries of \$200 million for the State Medicaid programs.
- Walgreens Boots Alliance — The settlement for this case resolved allegations that Walgreens Boots Alliance knowingly engaged in fraudulent over-dispensing of insulin pens to Medicaid beneficiaries. The NAMFCU Team negotiated a settlement of \$41.16 million for the State Medicaid Programs.

## Resident Abuse Committee

The Resident Abuse Committee (RAC) develops training and serves as a NAMFCU resource, assists with outreach function to outside organizations. The composition of the Resident Abuse Committee reflects a variety of professional disciplines employed by the member Units that investigate and prosecute resident abuse cases.



**RAC Co-Chairs Thom O'Hanlon (NY) and Christine Haenszel (OH)**

In November 2018 NAMFCU hosted its first Resident Abuse Training Program since 2013. The Program, held in New Orleans, Louisiana, hosted 220 attendees. Jeff Traylor, Director, Louisiana MFCU; Bill Stiles, First Assistant Deputy Attorney General of Louisiana; Thom O'Hanlon and Christine Haenszel, Co-Chairs of the Resident Abuse Committee, welcomed attendees to New Orleans.

The Program included two keynote speakers, Kerry Mills, Engaging Alzheimer's LLC, and Richard Mollot, Long Term Care Community Coalition. Program presentations topics included interviewing people with disabilities; trial tactics in neglect prosecution cases; utilizing civil remedies in resident abuse cases; and a death investigation in a board and care facility.

# 2018 Resident Abuse Training Program



**Ali Thompson (CO)**



**Andrew Schulke (NV) and Carrie Meads (NV)**



**Garland Lyell (MS) assists Stephanie Keyser (NY) and Kathleen Bolland (NY) with demonstrating the correct usage of a Hoyer Lift**



**Keynote Speaker, Richard Mollot**

## Training Committee

The Training Committee proposes and conducts specialized Medicaid Fraud training programs that cannot be found anywhere else. The training programs are open to all MFCU disciplines (prosecutors, investigators, auditors, data analysts and nurses), focused on investigating and prosecuting fraud in a wide range of provider settings including hospitals, nursing homes, laboratories, and physician practices. These training programs include such topics as recognizing fraudulent “kickbacks”, conducting undercover operations, and effective interview techniques.

The Training Committee is Co-Chaired by an attorney and an investigator and includes MFCU members that represent all disciplines from around the country.

Specifically, the Training Committee is responsible for the following programs: *101 Medicaid Fraud Training Program; 102A Medicaid Fraud Training Program; 102B Medicaid Fraud Training Program; 103 Medicaid Fraud Training Program; and the NAMFCU Annual Training Program*. The Training Committee will hold a pilot *Civil Fraud Training Program* in 2020.



Training Committee Co-Chairs Joe Shea (MA) and Jeff Baxter (PA)

# NAMFCU Trainings



**NAMFCU Facilitators at the April 2019 102B Training Program in St. Louis, MO.**

**Back left to right: David Delgado (PA), Sara Vann (GA), Jeff Sartoph (CA), San Martin (NAMFCU)**

**Front left to right: Renee Strickland (SC), Jennifer Nutter (PA), Greg Matthews (MA), Coy Acocks (UT)  
and Mark Cumba (CA)**

## Training Locations

NAMFCU holds its trainings in various cities around the country. From October 2018 to October 2019, trainings were held in the following cities:

Atlanta, Georgia  
Baltimore, Maryland  
Cleveland, Ohio  
Columbus, Ohio  
Montgomery, Alabama  
New Orleans, Louisiana  
Pittsburgh, Pennsylvania  
Richmond, Virginia  
St. Louis, Missouri  
San Diego, California  
Santa Fe, New Mexico

## 2018 Annual Training Program

*"We are also amazingly dedicated to the nationwide cause, beyond our Units, and certainly here is the space to forge lasting professional ties." - Saralyn Ang-Olson, Director, California MFCU*

The Annual Training Program provides an opportunity for MFCU employees in all disciplines to receive in-service training about the latest national trends relating to Medicaid provider fraud and resident abuse investigations and prosecutions. In October 2018, the Annual Training Program was held in San Diego, California. In addition to Ms. Ang-Olson, Gerald Engler, Chief Assistant Attorney General, Criminal Division Chief, California Office of the Attorney General, welcomed attendees on behalf of Attorney General Xavier Becerra.

Following the welcoming remarks, NAMFCU President Mykel Fry presented the State of the Association address. She summarized the many accomplishments of the Association during her term in office.

Over 300 attendees participated in this Annual Training Program making it the largest Annual in NAMFCU history. Topics included strategies in complex Medicaid fraud investigations, money laundering, Medicaid fraud cases across state lines, and the nuts and bolts of investigating and prosecuting opioid cases.

At the conclusion of the Program, the gavel was passed by outgoing President Mykel Fry to incoming President Randy Clouse.



NAMFCU President Mykel Fry (OK) provides her State of the Association as Saralyn Ang-Olson (CA) looks on.



Left to right: Greg Haines (OH), Maritsa Flaherty (USAO), Jeff Baxter (PA), Chris Cecchini (MA) and Steve Hoffman (MA) present on opioid-related issues.

## 2019 Annual Training Program

In October 2019, the Annual Training Program in Richmond, Virginia attracted over 290 attendees. The Honorable Mark Herring, Attorney General of Virginia, and Gary Cantrell, Deputy Inspector General for Investigations, OIG/HHS, welcomed attendees to the Program.

Following the welcoming remarks, NAMFCU President Randy Clouse presented the State of the Association address. He summarized the many accomplishments of the Association during his term in office.

Andrew Notaristefano, Senior Deputy Attorney General, Pennsylvania Attorney's General Office, provided the keynote address on "Social Media and Technology Evidence in Case Strategy."

Other Program topics included medical necessity cases, home healthcare cases, civil fraud and False Claims Act cases, medical transportation, and nursing home cases.



On All Hallows Eve, October 31, 2019, David Tanay (on the left above), incoming NAMFCU President, presented a plaque of appreciation to outgoing NAMFCU President, Randy Clouse (as seen on the right).

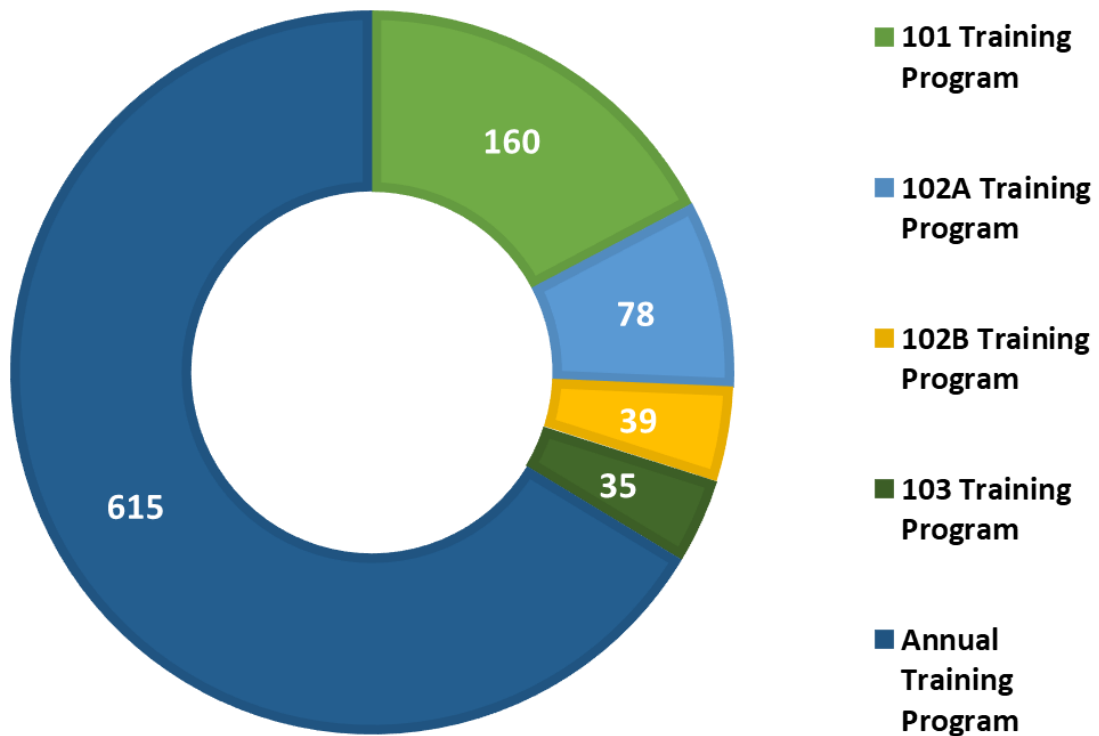


**The Honorable Mark Herring,  
Attorney General of Virginia**



**Gary Cantrell, Deputy Inspector General  
for Investigations, OIG/HHS**

## Number of Students Trained October 2018—October 2019



## Other Trainings and Meetings

NAMFCU also holds other trainings and meetings during the year. These include the Directors Symposium, Managing a MFCU and Regional meetings.

The Directors Symposium is held annually in the spring in Washington, DC. It is a two day meeting that provides Unit Directors an opportunity to hear from representatives from the U.S. Department of Health and Human Services, Office of Inspector General, U.S. Department of Justice, National Association of Attorneys General, National Association of Medicaid Program Integrity and Congressional staff.

The Symposium also provides an opportunity for Directors to share experiences on such topics as Unit management issues and national trends regarding Medicaid provider fraud cases.

Managing a MFCU is offered annually and is intended to provide an overview of the MFCU program for new Directors, managers, and supervisors.

NAMFCU also holds meetings for each of its six regions every other year. These day and a half meetings provide an opportunity for Directors and Chief Investigators to discuss cases/trends in their region.



**Randy Clouse (VA), Larissa Payne (WA), and Andrew Schulke (NV) discuss outreach programs at the 2019 Directors Symposium**



**Jay Speers (NY), Toby Unger (MA), and Keesha Mitchell (OH) present on an opioid panel at the 2019 Directors Symposium**



**Matt Whitmire (IN), Michelle Rudovich (KY), and Eddie Kirby (NC) present on managing civil and criminal cases at 2019 Directors Symposium**

## Collaborations with other Organizations— Training and Meetings

In addition to organizing its own training programs, NAMFCU has, for many years, co-sponsored an educational program with the American Bar Association (ABA), the annual National Institute on Health Care Fraud. This program brings state and federal prosecutors, health care attorneys, criminal defense attorneys, and relators counsel together to share experiences and concerns in a non-adversarial setting.

In May 2019, Randy Clouse spoke on behalf of the Association at the NAAG Chief Deputies Annual Meeting in Las Vegas, Nevada. As NAMFCU President, he provided the AG Chief Deputies with an update about activities of the Association and the Medicaid Fraud Control Units across the country.



**NAMFCU President Randy Clouse speaking  
at the May 2019 NAAG Chief Deputies  
Meeting in Las Vegas, NV**

NAMFCU continues to foster a positive working relationship with the National Association of Medicaid Program Integrity (NAMPI). In August 2019, 9 MFCU Directors presented at the NAMPI Annual Conference in Atlanta, Georgia. Speakers presented on various topics, including establishing good working relationships between MFCUs and State PI Units, cross training opportunities between MFCUs and PI Units, and numerous Medicaid fraud-centric panels. Representatives from 27 MFCUs attended the conference.

**In 2019, Bills were introduced in both House and Senate  
To Expand MFCU Jurisdiction**

I

116TH CONGRESS  
1ST SESSION

## **H. R. 233**

To amend title XIX of the Social Security Act to clarify the authority of State Medicaid fraud and abuse control units to investigate and prosecute cases of Medicaid patient abuse and neglect in any setting, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2019

Mr. WALBERG (for himself and Mr. WELCH) introduced the following bill;  
which was referred to the Committee on Energy and Commerce

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## **A BILL**

To amend title XIX of the Social Security Act to clarify the authority of State Medicaid fraud and abuse control units to investigate and prosecute cases of Medicaid patient abuse and neglect in any setting, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medicaid Patient  
5 Abuse Prevention Act”.

# Expanded Jurisdiction

2

1 SEC. 2. CLARIFYING AUTHORITY OF STATE MEDICAID  
2 FRAUD AND ABUSE CONTROL UNITS TO IN-  
3 VESTIGATE AND PROSECUTE CASES OF MED-  
4 ICAID PATIENT ABUSE AND NEGLECT IN ANY  
5 SETTING.

6 (a) IN GENERAL.—Section 1903(q)(4)(A)(ii) of the  
7 Social Security Act (42 U.S.C. 1396b(q)(4)(A)(ii)) is  
8 amended by inserting after “patients residing in board  
9 and care facilities” the following: “and of patients (who  
10 are receiving medical assistance under the State plan  
11 under this title) in a noninstitutional or other setting”.

12 (b) AVAILABILITY OF FUNDING.—Section 1903(a)(6)  
13 of the Social Security Act (42 U.S.C. 1396b(a)(6)) is  
14 amended, in the matter following subparagraph (B), by  
15 striking “(as found necessary by the Secretary for the  
16 elimination of fraud in the provision and administration  
17 of medical assistance provided under the State plan)”.

○

# Expanded Jurisdiction

II

116TH CONGRESS  
1ST SESSION

## S. 2379

To amend title XIX of the Social Security Act to clarify the authority of State Medicaid fraud and abuse control units to investigate and prosecute cases of Medicaid patient abuse and neglect in any setting, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 31, 2019

Mr. CRAPO (for himself, Mr. CARDIN, Mr. GRASSLEY, Ms. HASSAN, and Mr. ROBERTS) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XIX of the Social Security Act to clarify the authority of State Medicaid fraud and abuse control units to investigate and prosecute cases of Medicaid patient abuse and neglect in any setting, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medicaid Patient  
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16 elimination of fraud in the provision and administration  
17 of medical assistance provided under the State plan)”.

○

# ***Dedication***

**Charles J. Hynes  
1935-2019**



**First President, NAMFCU  
1979-1980  
Director, New York MFCU**

*"On December 12, 1978 this Association was born and I was given the great honor of being elected its first President... [t]here is never an end of the mission of this Association. As a public prosecutor I have been blessed with much good fortune in my life, but nothing eclipses the sense of achievement I felt when H.R. 3 was passed and this Association was born."*

NAMFCU Annual Training Program  
25th Anniversary, September 8, 2003  
New Orleans, Louisiana



1850 M Street NW, 12th Floor  
Washington, DC 20036

[www.namfcu.net](http://www.namfcu.net)

National Association of  
Medicaid Fraud Control Units