



MEMORANDUM IN SUPPORT
A.07889 (Gottfried)/ S.04486-A (Harckham)

This bill would amend the public health law and the social services law, in relation to the functions of the Medicaid inspector general with respect to audit and review of medical assistance program funds and requiring notice of certain investigations.

The NYS Council for Community Behavioral Healthcare, representing 105 behavioral health (mental health and substance use disorder/addiction) prevention, treatment, and recovery organizations across New York, **strongly supports this legislation, A.07889 (Gottfried)/ S.04486-A (Harckham)**. This bill relates to the functions of the Medicaid inspector general with respect to audit and review of medical assistance program funds and requires notice of certain investigations.

The original purpose of the Office of the Medicaid Inspector General (OMIG) was to identify fraud and waste in the Medicaid system. However, the law that enacted the OMIG was missing provisions necessary to ensure fairness and procedural clarity. As such, OMIG audits over the years have (among other things) unfairly punished providers for technical (human) errors, punished providers for following what is sometimes contradictory state guidance, and punished providers for use of technology that does not always process claims correctly, the latter being the sole responsibility of the Department of Health. This bill would address these issues to ensure fairness for providers.

Medicaid providers deserve protection from overzealous OMIG actions. This bill will provide advance notice of any investigations and details about what exactly is being investigated, as well as their rights before the OMIG makes any recoveries or enforcement actions against them. These common-sense requirements are necessary to protect vulnerable New Yorkers and the providers who are acting in good faith to provide them with high quality care.

Behavioral health providers are facing severe financial crisis and closures due to their fragile financial circumstances. Our job is to provide effective and efficient services in a manner that is consistent with all relevant laws and regulations. OMIG's job is to root out fraud and abuse wherever it finds it. However, this does not mean OMIG should have the ability to wipe out whole programs and/or services based on technical errors when the service was delivered appropriately. The NYS Council believes that this legislation is necessary to protect health care providers and recipients in the medical assistance program. **We therefore strongly support this bill, A.07889 (Gottfried)/ S.04486-A (Harckham) which relates to the functions of the Medicaid inspector general with respect to audit and review of medical assistance program funds and requires notice of certain investigations.**