



NEW YORK STATE ASSEMBLY

February 15, 2024

Carl Heastie, Speaker
New York State Assembly
932 Legislative Office Building
Albany, NY 12248

Dear Speaker Heastie:

When the Office of Medicaid Inspector General (OMIG) was created in 2007, the emphasis of the legislature was on fraud and waste in the Medicaid system. Experience with the law has made it clear that the current statute is missing key provisions necessary to assure fairness and procedural clarity for all the parties involved. **The Assembly should include A.6813-A in the One-house budget resolution and final enacted budget to require the OMIG follow audit standards that will support Medicaid providers and provide transparency.**

OMIG audits that punish providers for technical errors, not fraud, do not help anyone in the Medicaid system, especially when those errors are the result of contradictory guidance provided by different state agencies. Further, the **OMIG's practice of extrapolating millions of dollars of claims from a small sample of technical errors has forced some already fiscally perilous health care providers to close**, which ultimately harms patients.

For example, Mount Sinai Beth Israel Opioid Treatment Program was hit with a disallowance of over \$7 million, despite there only being 12 administrative or technical audit findings which is an error rate of .004%. This audit resulted in the treatment program closing and disrupted methadone treatment services for 1500 patients in December 2020 during the COVID-19 pandemic.

Assembly bill 6813-A will ensure fairness and transparency in the Office of the Medicaid Inspector General (OMIG)'s audit program which is severely lacking. As a result, honest Medicaid providers are being forced to repay millions for services provided due to clerical errors or flawed interpretations by OMIG which in no way constitute fraud, waste and abuse. Patient access to care is placed in jeopardy and this must be urgently addressed.

This bill will address due process for Medicaid beneficiaries, who deserve advance notice of any investigations and details about what exactly is being investigated. This legislation should not have a significant fiscal impact on the overall state budget. **We respectfully urge the Assembly Majority to include A.6813-A in the one-house budget bill and the final enacted budget this year.**

Thank you for your consideration of this request.

Sincerely,

Assemblywoman Amy Paulin

Assemblyman Harvey Epstein

Fred W. Thiele, Jr.
Member of Assembly
1st District

Steve Stern
Member of Assembly
10th District

Keith P. Brown
Member of Assembly
12th District

Gina L. Sillitti
Member of Assembly
16th District

John K. Mikulin
Member of Assembly
17th District

David I. Weprin
Member of Assembly
24th District

Edward C. Braunstein
Member of Assembly
26th District

Andrew Hevesi
Member of Assembly
28th District

Catalina Cruz
Member of Assembly
39th District

Rodneyse Bichotte Hermelyn
Member of Assembly
42nd District

Maritza Davila
Member of Assembly
53rd District

Grace Lee
Member of Assembly
65th District

Linda B. Rosenthal
Member of Assembly
67th District

Rebecca A. Seawright
Member of Assembly
76th District

Jeffrey Dinowitz
Member of Assembly
81st District

MaryJane Shimsky
Member of Assembly
92nd District

Chris Burdick
Member of Assembly
93rd District

Dana Levenberg
Member of Assembly
95th District

Kenneth Zebrowski
Member of Assembly
96th District

Aileen M. Gunther
Member of Assembly
100th District

John T. McDonald
Member of Assembly
108th District

Patricia Fahy
Member of Assembly
109th District

Phil Steck
Member of Assembly
110th District

Josh Jensen
Member of Assembly
134th District

Cc:

Honorable Helene Weinstein
Jennifer Best
Rebecca Mudie
Aubree Heydrick
Philip Fields
Luke Ritter
Janice Nieves
Steven Methe
Chris Arroyo