



THE STATE OF GEORGIA

EXECUTIVE ORDER

BY THE GOVERNOR:

- WHEREAS:** Federal law provides, in 42 U.S.C. §§1396(a)(61) and 1396b(q), that in order to receive full federal financial participation in the funding of the Georgia Medicaid program, Georgia must operate a Medicaid fraud control unit that is separate and distinct from the State Medicaid Agency; and
- WHEREAS:** Federal law also provides, in 42 U.S.C. §§1396(a)(6)(B), for a federal grant to the State of Georgia to fund 75 per centum of the cost of operating the Georgia Medicaid fraud control unit; and
- WHEREAS:** Georgia's Medicaid Fraud Control Unit (then known as the "State Health Care Fraud Control Unit") was first established pursuant to a Memorandum of Understanding dated January 25, 1995 between the Department of Law, the Georgia Bureau of Investigation and the Department of Audits and Accounts, and pursuant to Executive Order Number A-11-0003-1995 signed by then Governor Zell Miller on January 26, 1995; and
- WHEREAS:** Since the Georgia Medicaid Fraud Control Unit was established, it has been operated as a task force by the Department of Law, the Georgia Bureau of Investigation and the Department of Audits and Accounts; and
- WHEREAS:** These three participating agencies are now in agreement that the Medicaid Fraud Control Unit can be operated with greater efficiency if the functions of that Unit are consolidated in the Department of Law; and
- WHEREAS:** The Department of Law, Georgia Bureau of Investigation and the Department of Audits and Accounts have entered into a new agreement entitled "Agreement to Consolidate the Georgia Medicaid Fraud Control Unit into Department of Law" and dated October 5, 2010, wherein these agencies agree that the Department of Law shall hereafter perform the duties and functions previously performed by the three separate agencies in the operation of the Georgia Medicaid Fraud Control Unit.

NOW, THEREFORE, PURSUANT TO THE AUTHORITY VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY

ORDERED: The schedule and manner of this transfer of functions, duties, positions and personnel shall be effected in accordance with the Agreement to Consolidate the Georgia Medicaid Fraud Unit into Department of Law entered into by and between these three agencies.

IT IS FURTHER

ORDERED: That since all duties, purposes and objects of the appropriation made for the Georgia Medicaid Fraud Control Unit are being transferred to the Department of Law, the Office of Planning and Budget is hereby directed to take any and all steps necessary and appropriate to effect the transfer of the budget of the Georgia Medicaid Fraud Control Unit to the Department of Law effective July 1, 2011.

IT IS FURTHER

ORDERED: Pursuant to O.C.G.A. §45-12-40, the Governor hereby designates the Department of Law to enter into contracts and perform all things necessary to secure to this state and citizens of this state the benefit of federal grant programs for the operation of the Georgia Medicaid Fraud Control Unit, including without limitation the grants authorized by 42 U.S.C. §§1396(a)(6)(B).

IT IS FURTHER

ORDERED: The functions, duties and responsibilities of the Georgia Medicaid Fraud Control Unit will continue to be:

- (a) To conduct a statewide program for investigating and prosecuting violations of all applicable State laws pertaining to fraud in the administration of the Medicaid program, the provision of medical assistance or activities of providers of medical assistance under the Georgia Medicaid program;
- (b) To review complaints alleging abuse or neglect of patients in health care facilities receiving payments under the Georgia Medicaid program, and complaints of the misappropriation or theft of patients' private funds in such facilities;
- (c) To investigate and prosecute such cases of patient abuse, patient neglect, or misappropriation or theft of patients' funds, or refer such complaints to other state agencies or law enforcement agencies for investigation, prosecution or administrative action;

- (d) To identify overpayments made to health care facilities or other providers of medical assistance under the Georgia Medicaid program, and to either pursue civil litigation to collect such overpayment or to refer the matter to an appropriate state agency for collection; and
- (e) To cooperate with Federal investigators and prosecutors in the investigation and prosecution of cases involving violations of Federal and State laws pertaining to fraud committed by health care providers under federally funded health care programs.

IT IS FURTHER

ORDERED: The Attorney General and Department of Law are hereby expressly authorized to investigate and prosecute cases of the abuse or neglect of patients in health care facilities receiving payments under the Georgia Medicaid program, and cases of the misappropriation or theft of patients' private funds in such facilities.

This 21ST day of December, 2010.


GOVERNOR