



# THE STATE OF GEORGIA

## EXECUTIVE ORDER

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BY THE GOVERNOR:

**WHEREAS:** Federal law provides, in 42 U.S.C. §§1396a(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 separate and distinct from the State Medicaid Agency; and

**WHEREAS:** Federal law also provides, in 42 U.S.C. §1396b(q), that in addition to a mandate to investigate and prosecute violations of all applicable State laws regarding fraud in connection with provision of services under the State plan for medical assistance, the Medicaid Fraud Control Unit is required to have procedures for reviewing and acting upon complaints of abuse or neglect in health care facilities receiving payments under the State plan for medical assistance; and

**WHEREAS:** Federal law also provides, in 42 U.S.C. §1396b(q), that in addition to these procedures related to complaints of abuse or neglect in State plan-reimbursed facilities, the Medicaid Fraud Control Unit has the option to implement procedures for reviewing complaints of abuse or neglect of patients residing in all "board and care facilities" within the State, regardless of whether the facility is paid under the State plan for medical assistance; and

**WHEREAS:** O.C.G.A. §45-15-35 enables the Governor to direct the Department of Law, through the Attorney General as head thereof, to institute and prosecute in the name of the state such matters, proceedings, and litigations as he shall deem to be in the best interest of the people of the State; and

**WHEREAS:** Executive Order 12.21.10.02, signed by then Governor Sonny Perdue on December 21, 2010, delineated the functions, duties, and responsibilities of the Georgia Medicaid Fraud Control Unit to include, consistent with Federal law, in addition to investigation and prosecution for violation of State laws pertaining to Medicaid fraud, the investigation and prosecution of abuse, neglect, or misappropriation of funds of patients in health care facilities receiving payments under Georgia Medicaid.

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

**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, consistent with State and Federal law, to investigate and prosecute cases of abuse, neglect, or misappropriation of funds of patients in board and care facilities.

This 18<sup>th</sup> day of July, 2016.



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GOVERNOR