

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

2001 Edition

West Group
Publisher

To amend, on a temporary basis, the Medicaid Provider Fraud Prevention Amendments Act of 1984 to authorize the Office of the Inspector General to enforce Medicaid fraud statutes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Medicaid Provider Fraud Prevention Temporary Amendment Act of 2001".

Sec. 2. Section 5 of the Medicaid Provider Fraud Prevention Amendments Act of 1984 is amended to read as follows:

"(a) Criminal prosecutions under section 3 and civil actions brought under section 4(e) may be brought in the Superior Court of the District of Columbia.

"(b) In addition to any power to investigate or bring criminal or civil actions under any other legal authority or otherwise carry out the duties under this act, the Corporation Counsel or the Office of the Inspector General shall have the authority to investigate all alleged violations of this act and, in exercising this power, may issue subpoenas for witnesses to appear and testify or to produce all books, records, papers, or documents in any investigation into alleged violations of this act.

"(c) Witnesses, other than those employed by the District of Columbia, summoned under subsection (b) of this section shall be paid the same fees and mileage that witnesses are paid in the Superior Court of the District of Columbia, but the fees need not be tendered to the witnesses before they appear and testify or produce books, records, papers, or documents.

"(d) Any willful false swearing on the part of any witness testifying about a material fact pursuant to a subpoena issued under subsection (b) of this section shall be subject to prosecution pursuant to section 401 of the District of Columbia Theft and White Collar Crimes Act of 1982.

"(e) If any witness having been personally summoned shall neglect or refuse to obey the subpoena, the Corporation Counsel or Office of the Inspector General may report that fact to the Superior Court of the District of Columbia. The Superior Court of the District of Columbia may

compel obedience to the subpoena to the same extent as witnesses may be compelled to obey the subpoenas of that court.

"(f) The Corporation Counsel or Office of the Inspector General may administer oaths to witnesses summoned in any investigation under subsection (b) of this section.

"(g) No person holding records required to be maintained by the Medicaid legislation or regulations promulgated pursuant to that legislation may refuse to provide the Corporation Counsel or Office of the Inspector General with access to the records on the basis that release would violate any recipient's right of privacy, any recipient's privilege against disclosure or use, or any professional or other privilege or right."

Sec. 3. Fiscal impact statement.

There is no negative fiscal impact as the Medicaid Fraud Control Unit in the Office of the Inspector General is fully staffed and operational and no additional resources are required to implement this legislation. A positive fiscal impact would result from successful prosecutions of Medicaid fraud cases.

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect or upon the effective date of the Medicaid Provider Fraud Prevention Amendment Act of 2001, whichever occurs first.

Chairman
Council of the District of Columbia

ENROLLED ORIGINAL

Mayor
District of Columbia