



Robert P. Astorino
County Executive

Department of Social Services

Kevin M. McGuire
Commissioner

36090

To: Board of Acquisition and Contract
From: Kevin M. McGuire
Commissioner of Social Services
Sherlita Amler, M.D.
Commissioner of Department of Health

Date: September 24, 2013

Re: **Authority for the County to: 1) Rescind a Memorandum of Understanding dated on or about April 19, 2013 with the New York State Office of the Medicaid Inspector General and the New York State Department of Health to prevent waste, fraud and abuse of medical care, services and supplies provided pursuant to the Medicaid program through mutual cooperation for the term commencing January 1, 2013 and continuing until terminated by any party with thirty (30) days prior written notice to the other parties (the “MOU”); and 2) execute a revised Memorandum of Understanding which incorporates certain technical changes as well as general clarification to the MOU, at no cost to the County**

The County of Westchester entered into a Memorandum of Understanding dated on or about April 19, 2013 (the “MOU”) with the New York State Office of the Medicaid Inspector General (“OMIG”) and the New York State Department of Health (“DOH”) to prevent waste, fraud and abuse of medical care, services and supplies provided pursuant to the Medicaid program through mutual cooperation for the term commencing January 1, 2013 and continuing until terminated by any party with thirty (30) days prior written notice to the other parties (the “MOU”), at no cost to the County. By letter dated September 9, 2013, OMIG requested that the County enter into a revised MOU which incorporates some technical changes and provided general clarification to the original MOU.

Authority is therefore requested for the County to rescind the MOU and enter into a revised Memorandum of Understanding with OMIG and DOH to prevent waste, fraud and abuse of medical care, services and supplies provided pursuant to the Medicaid program through mutual cooperation for the term commencing January 1, 2013 and continuing until terminated by any party with thirty (30) days prior written notice to the other parties (the "Revised MOU") at no cost to the County. The revised MOU will be substantially similar to the original except for some general clarification, citation corrections, and added language to reflect changes in the 2013-2014 Executive budget which increases the County's share of Medicaid recoveries from 10% to 20%.

Pursuant to the proposed MOU, OMIG, DOH and the County would share information in a coordinated effort to reduce Medicaid fraud, waste and abuse. The County will review its Medicaid payments to providers enrolled in the Medicaid program and with the assistance and cooperation of OMIG and DOH, will determine if overpayments have been made. DOH and OMIG would then recover any such overpayments.

The Revised MOU would serve the public purpose of reducing Medicaid overpayments in Westchester County, thereby saving taxpayer funds. The Revised MOU would also potentially protect Medicaid customers from care which is not medically necessary or required.

Accordingly, authority is respectfully requested from your Honorable Board to rescind the MOU originally executed and to execute a Revised MOU incorporating the aforesaid changes.

A resolution is annexed hereto, which I recommend for your favorable consideration.

KMM/DI

RESOLUTION

Upon a communication from the Commissioner of the Department of Social Services and the Commissioner of the Department of Health, be it hereby

RESOLVED, that the County of Westchester is hereby authorized to rescind a Memorandum of Understanding with the New York State Office of the Medicaid Inspector General (“OMIG”) and the New York State Department of Health (“DOH”) dated on or about April 19, 2013 to prevent waste, fraud and abuse of medical care, services and supplies provided pursuant to the Medicaid program through mutual cooperation for the term commencing January 1, 2013 and continuing until terminated by any party with thirty (30) days prior written notice to the other parties (the “MOU”); and be it further

RESOLVED, that the County of Westchester is hereby authorized to enter into a Revised Memorandum of Understanding with OMIG and DOH to prevent waste, fraud and abuse of medical care, services and supplies provided pursuant to the Medicaid program through mutual cooperation which incorporates technical changes and clarifications for the term commencing January 1, 2013 and continuing until terminated by any party with thirty (30) days prior written notice to the other parties; and be it further

RESOLVED, that the County Executive or his authorized designee is empowered to execute any and all documents necessary to effectuate the purposes hereof.

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	N/A	N/A	N/A	N/A	N/A	N/A

Budget Funding Year(s) : Start Date 1/1/13 End Date indefinite
 (must match resolution)

Funding Source Tax Dollars: N/A
 State Aid: N/A
N/A Federal Aid: N/A
 (must match resolution) Other: N/A