

WHAT IS FINANCIAL EXPLOITATION?

It is the intentional misappropriation or misuse of funds or assets of an elderly person (65 or older), protected person (as deemed by the court) or an incapacitated adult.

What are the consequences of a conviction for financial exploitation?

Penalties under the WV criminal statutes vary and include incarceration, fines, or both.

THREE WAYS TO REPORT FRAUD, FINANCIAL EXPLOITATION OR ABUSE AND NEGLECT:

- Call the Tipline at: **1-888-FRAUD-WV**
- Complete the online reporting form found at:
https://www.wvdhhr.org/oig/mfcu/secure_report/
- Write us at:

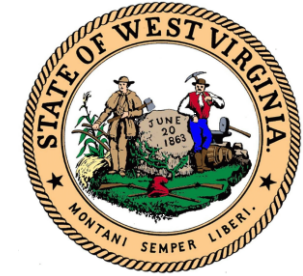
Dept. of Health and Human Resources

Medicaid Fraud Control Unit

Office of the Inspector General

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West Virginia Medicaid Fraud Control Unit

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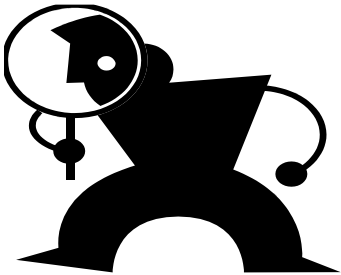
Sherry Jaynes, Secretary

Jared Nutter, Office Assistant

WHAT IS THE WV MFCU?

INVESTIGATION: The MFCU is the single entity of West Virginia state government that is certified annually by the Secretary of the U.S. Department of Health and Human Services to conduct statewide investigations of healthcare providers that defraud the Medicaid program. In addition, the MFCU investigates complaints of abuse or neglect in any healthcare facility. The unit is also charged with investigating complaints of misappropriation of patients' private funds in Medicaid facilities.

OVERSIGHT: The MFCU is a state and federal recognized healthcare oversight entity. As such, the MFCU is charged with investigating fraud in the administration of the program and may investigate fraud in other federal and state funded healthcare programs, provided the case is related to Medicaid and the unit has received approval from the Inspector General of the Department of Health and Human Services or another relevant federal agency.



WHAT IS MEDICAID FRAUD?

There are several fraud schemes that involve Medicaid. A perpetrator may submit claims for services never rendered or they may charge for services at a higher level than those that were actually rendered. Possible fraud schemes are too numerous to list in this brochure. Perpetrators come in many titles and may be a single practitioner or a large institution. In addition, perpetrators work in numerous segments of the health industry, such as hospitals, nursing homes, ICF/MR facilities, schools, home healthcare agencies, assisted living homes, medical transportation companies, pharmacies, durable medical supply companies and even large pharmaceutical manufacturers.

What are the consequences of a conviction for Medicaid Fraud?

The punishment for fraud in the Medicaid Program is severe. Penalties may include Incarceration, restitution, damages, large fines, or any combination of these. In addition, any provider that has been found guilty of defrauding the Medicaid program will face mandatory exclusion from participating in any federal or state healthcare plan.

WHAT IS ABUSE AND NEGLECT?

The MFCU assists in the prosecution of abuse and neglect as a criminal charge and uses the criminal statute definition. Under WV criminal statutes:

Abuse is the intentional infliction of bodily injury on an incapacitated adult.

Neglect is the unreasonable failure by a caregiver to provide the care necessary to assure the physical safety or health of an incapacitated adult.

An **incapacitated adult** is any person eighteen years of age or older who by reason of advanced age, physical, mental, or other infirmity, is unable to carry on the daily activities of life necessary to sustaining life and reasonable health.

Can a facility be found guilty of neglect?

Yes. Facilities are included in the definition of caregiver under the criminal abuse and neglect statute in WV.

What are the consequences of a conviction for abuse and neglect?

In West Virginia, the punishment for abuse and neglect ranges from incarceration to severe monetary penalties, or both. In addition, any caregiver that has been found to have abused or neglected a patient will be excluded from participating in any federal or state healthcare program.