

Medical Assistance Protection Act

The Medical Assistance Protection (MAP) Act (HF 2354/SF 2689) is bipartisan legislation that will expand the Attorney General’s Office’s ability to investigate Medical Assistance fraud (known federally as Medicaid), give the office new tools to hold fraudsters accountable, and increase penalties for those found guilty of stealing money meant for low-income Minnesotan’s healthcare.

The MAP Act will improve the Attorney General’s Office’s ability to investigate and prosecute fraudsters by:

- Adding 9 new staff members to the Attorney General’s Office’s Medicaid Fraud Control Unit (MFCU) to account for recent increases to the state Medicaid budget. The bill will increase the MFCU’s staff from 32 to 41 people.
- Increasing criminal penalties for people who commit Medical Assistance fraud.
- Giving the Attorney General’s Office the authority to subpoena financial records during criminal Medical Assistance fraud investigations.

Background on MFCU

The Medicaid Fraud Control Unit (MFCU) is a unit within Attorney General Ellison’s Office that investigates and prosecutes Medicaid provider fraud. Similar units exist in all 50 states across the country and are generally located within the attorney general’s office. 75% of the unit’s funding comes from federal government grants and the other 25% comes from the State. While attorneys general direct the day-to-day work of MFCUs, the U.S. Department of Health and Human Services Office of Inspector General (HHS OIG) exercises some oversight of MFCUs, including auditing their performance and recertifying them yearly.

Increasing MFCU Staffing

The MAP Act would appropriate \$390,750 ongoing to increase the size of Minnesota’s Medicaid Fraud Control Unit from 32 to 41.

MFCU staffing levels are based on the size of a state’s Medicaid budget. The present size of Minnesota’s MFCU, 32, was set when the state’s Medicaid budget was roughly \$13 billion. Now that the Medicaid budget is approaching \$20 billion, HHS OIG recommends Minnesota’s MFCU increase its staffing levels to 41.

States with similar Medicaid budgets to Minnesota’s often have larger MFCUs, as illustrated below using data from HHS OIG’s 2023 annual report:

State	Medicaid Budget	MFCU Staff
Minnesota	\$19,113,079,015	32
Washington	\$19,498,539,690	55
North Carolina	\$20,451,882,615	47
Virginia	\$21,599,145,038	94

Despite the Minnesota MFCU’s smaller size, it regularly outpaces its peer states. An HHS OIG audit of Minnesota’s MFCU noted that from 2020–22, Minnesota won the most convictions for provider fraud when compared with



similarly sized states. The passage of the MAP Act would further expand our MFCU's ability to hold fraudsters accountable.

Minnesota's MFCU also more than pays for itself through the criminal restitution and civil recoveries it wins. The unit's budget is roughly \$5 million per year, of which the State only pays 25%. From 2019-24, Minnesota was awarded \$53,237,300.35 in civil penalties and criminal restitution thanks to the MFCU's work.

Expanding the AGO's Subpoena Authority

The MAP Act improves the Attorney General's Office's ability to investigate Medicaid fraud by expanding the office's subpoena powers. Specifically, when AGO is conducting a provider fraud investigation, the act grants the AGO the same authority to subpoena financial records as county attorneys do when they conduct welfare fraud investigations. At present, even when the AGO is conducting a criminal investigation, it lacks the same authority to acquire certain records as county attorneys have. The MAP Act would fill this gap.

Improving Minnesota's Medical Assistance Fraud Legislation

Minnesota's current Medical Assistance fraud law classifies Medical Assistance fraud as an attempted theft of public funds, rather than a completed theft. The maximum penalty allowed under this law is 2.5 years in prison, regardless of the amount stolen. The MAP Act brings Minnesota's Medical Assistance fraud law in line with other theft laws, which carry a maximum penalty of up to 20 years in prison and a fine of up to \$100,000 for theft of over \$35,000.

Jonathan Murray

To: Nick Stumo-Langer; Megan.Rossbach@house.mn.gov
Cc: rep.mohamud.noor@house.mn.gov; rep.joe.schomacker@house.mn.gov;
rep.matt.norris@house.mn.gov; Kim Hicks; rep.steve.gander@house.mn.gov
Subject: HF 2354 Fraud for waiver holders

Dear Chair Schomacker & Committee Members,

I'm Jonathan Murray, and I'm both a disabled adult and a leader in the Disability community through advocacy work with several different local nonprofits.

I have a matter to bring to your attention regarding HF 2354. As a CDCS waiver holder, I have been subjected to repeated discriminatory denials for items on my waiver--even when these denials are coming from Ramsey County illegally making up its own rules 256B.4911 Subd. 8(1).

I'd love to show you the data to make a case for myself and the other disabled people in my life--but I have just learned that the DHS does not even have a system to track these denials. The denials come from each individual case manager, and that's that.

If you are a parent, these denials keep your children from getting the supports they need, putting the onus on you to fix it for them--and how exhausting does that get for those parents? Now, imagine you're a disabled adult trying to show up to your vocation, for your family and friends, or for all your IADLs, having to fight constantly against denials while your providers are kicking the metaphorical crutches out from under you.

This is not the independence we were promised under the waiver program.

As the disabled community sees these patterns of abuse, we know they are fraudulent--and we can't even begin to fight that without making the DHS track this data.

In Disability justice, as in many other fights for civil liberties, we say, "Nothing About Us Without Us." To hear these stories requires that you and the other elected leaders in Minnesota listen to disabled people in their OWN words--not in the words of their parents or medical providers.

My door is always open if you'd like to talk to me or to other disabled leaders who can highlight these problems. Honoring our right for self-advocacy is the ONLY way that the disability community and the elected leaders of Minnesota can build systems and a culture where Access Is Love.

Sincerely,

Jonathan Murray
2730 Dale St N, Apt 205
Roseville, MN 55113

651-895-6478

erudition@botlivesmatter.org

(1) 256B.4911 Subd. 8. Consumer-directed community supports policy.

Policies governing the consumer-directed community supports program must be created solely by the commissioner. Lead agencies must not create or implement any policies that are in addition to or inconsistent with policies created by the commissioner or federal or state laws. Any handbooks, procedures, or other guidance documents maintained by a lead agency do not have the force or effect of law, and must not be given deference if introduced in a state fair hearing conducted under sections [256.045](<https://www.revisor.mn.gov/statutes/cite/256.045>) and [256.0451](<https://www.revisor.mn.gov/statutes/cite/256.0451>).
<https://www.revisor.mn.gov/statutes/cite/256B.4911#stat.256B.4911.8>

Jonathan Murray | (Please use name/Any Pronouns)

** composed via dictation & I'm autistic which causes communication barriers from errors & [the double Empathy problem](#) if you need clarity of intent, [please drop this e-mail in Goblin Tools](#)*

I run on [Criptime](#) so it may take a while to respond. Please follow up if I've missed your e-mail, especially if it's urgent.