

FRAUD POLICY & APPEALS PROCEDURES BROWN COUNTY INDIGENT HEALTH

Brown County, Texas has adopted the following as the Fraud Policy & Procedures for the County Indigent Health Care Program effective July, 2014.

E. Ray West III
E. Ray West III, County Judge

7/7/14
Date

GENERAL PROVISIONS

- I. Indication of fraud-intention program violation consists of intentionally committing any of the following actions:
 - a. Making a false and/or misleading statement.
 - b. Misrepresenting, concealing, or withholding facts;
 - c. Violating any provision of the CIHCP Act, the CIHCP regulations or State Statutes relating to the use, or acquisition of CIHCP.
- II. Possible Misrepresentations-Situations are varied in which an applicant or recipient might intentionally withhold information or present false information to obtain assistance or benefits to which he/she is not entitled. Examples include, but may not be limited to:
 - a. Information misrepresented or concealed at the time any of the Brown County IHCP forms are completed.
 - b. Information misrepresented at the time legal requirements (CIHCP Eligibility) are tested for initial certification or recertification;
 - c. Information misrepresented concerning income or resources;
 - d. Information misrepresented concerning composition of family group.
 - e. Information misrepresented concerning county of residency
 - f. Information misrepresented concerning some element of need;
 - g. Information misrepresented to obtain prescribed drugs over the authorized limit;
 - h. Information misrepresented or concealed concerning incapacity;
 - i. Information misrepresented or concealed by a member of the recipient's family, authorized representative or any other individual(s) who assists recipient in obtaining medical services via CIHCP;
 - j. Information misrepresented concerning child support payments, including payments being paid in arrears;
 - k. Use of fictitious names and /or sources of identification;
 - l. Misrepresentation on guardianship or custody of children in the household
 - m. Misrepresentation of dependent status for adults in the household, to include but not limited to military dependent status and alien sponsorship.
- III. The caseworker refers any case for investigation of suspected fraud in which there has been an intentional falsification or omission, which was material in obtaining assistance.
 - a. The caseworker evaluates all situations in which a recipient failed

July 7, 2014
(Exhibit # 3)

to report changes in circumstances between reviews.

- b. If the caseworker determines changes were intentionally concealed, a referral will be completed.

IV. A fair hearing shall be conducted.

Procedures for Hearing

- I. The purpose of the hearing is to determine if an intentional program violation has been committed. An impartial hearing officer conducts the hearing and makes the decision.
- II. The hearing officer's decision is final. The hearing determination is not subject to appeal.
- III. Notice of the hearing will be sent by certified and regular mail not less than 30 days before the hearing.
 - a. An individual(s) has a right to one postponement, not to exceed 30 days from the date of the initial hearing.
 - i. The CIHCP office will notify the hearing officer of the request.
 - ii. The hearing officer will determine the new hearing date.
 - b. If the individual does not contest the accusation of fraud and/or does not attend the hearing, the case is still brought before the hearing board to determine the disqualification period, as long as proof of notice is present.
 - c. The hearing officer will notify the client of the decision and the length of disqualification in writing within 14 days. The disqualification period will begin the date the hearing officer made the determination of fraud.
- IV. At the hearing the hearing officer places the participant(s) under oath.
- V. The hearing is not open to the public but the individual(s) may bring a legal or other authorized representative to the hearing. The individual(s) are responsible for any legal fees incurred for their representation.
- VI. The hearing will be recorded. Individual(s) may obtain copy(ies) upon request and at the individual(s) expense.
- VII. The CIHCP must prove that the individual has committed a violation as defined in Section 3, Pages 2-5 of the CIHCP Handbook. The hearing officer must base the decision on evidence presented at the hearing.
- VIII. The hearing officer must notify individual(s) of the decision within 14 days of the hearing. If it is determined that the individual committed a violation, the individual(s) will be disqualified for:
 - a. 12 months for the first violation
 - b. Permanent for the second violation
 - c. All CIHCP expenditures made on the individual(s) behalf must be reimbursed to Brown County prior to reconsideration for future eligibility of those who have been assessed a 12 month denial period.
- IX. The hearing officer also has the option to determine:
 - a. If the case will be referred to the County Attorney for prosecution

Hearing Officer

- I. The hearing officer is an individual appointed by the Brown County Commissioners Court.
- II. The hearing officer must have knowledge of CIHCP policy and could include other Brown County officials as well as CIHCP staff or hearing officers from another county.