

Wichita County Indigent Health Care Program Fraud Policy and Procedures

In accordance with §61.043 of the Texas Health and Safety Code (Prevention and Detection of Fraud), Wichita County hereby adopts the following procedures for disqualifying persons for health care assistance in cases where fraud is found to exist:

1. For the purposes of this policy, fraud is defined as an intentional violation of the Wichita County Indigent Health Care Program (CIHCP) policies in order to obtain assistance to which an individual is not entitled. A violation of CIHCP policies consists of the following actions:

- ✧ Intentionally making false or misleading statements;
- ✧ Intentionally misrepresenting, concealing, or withholding facts; or
- ✧ Intentionally violating any provision of the CIHCP Act, the CIHCP regulations, or State statutes relating to the acquisition or use of CIHCP funds/services.

2. Following the exhaustion of all remedies available, persons who have been found to have committed fraud or have violated CIHCP program policies may be subject to the following sanctions:

- ✧ Disqualification from the program (12 months for the first violation and permanently for the second violation);
- ✧ Reimbursement to the County for the cost of benefits received by the individual that they were ineligible to receive; and
- ✧ Prosecution under the Texas Penal Code

3. The following procedures shall be followed to determine if any fraud or violation of the program rules has been committed:

- a. The CIHCP caseworker assigned to the case shall immediately report, in writing, to the CIHCP Program Director any suspected or confirmed case of fraud.
- b. The Director shall, within 5 working days, conduct and complete either a review of the evidence submitted by the caseworker, or shall, at his/her discretion, conduct an independent investigation into the alleged fraudulent conduct.
- c. At the conclusion of the Director's review and/or investigation of the matter, the Director shall determine if fraud has occurred. If the Director makes an affirmative

finding as to the occurrence of fraud, the Director shall, as soon as possible, but no later than 2 business days, inform the participant in writing of the allegation(s) and determination by the Director. The Director shall also advise the participant, in writing, of his/her rights of appeal of the Director's decision. The Director shall also notify the Wichita County Commissioner's Court liaison of this action, and provide the Court's liaison with a copy of the Director's report.

4. If the participant desires to appeal the Director's decision, the person must give written notice to the Wichita County Judge within five working days after receipt of written notification of disqualification from the program. The County Judge shall immediately appoint a person to function as the Fair Hearings Officer to conduct an impartial hearing into the disqualification of the person from the CIHCP.

The procedures for the administrative hearing are as follows:

- a. The hearing officer will notify all relevant parties of the hearing via certified mail not less than 5 days before the hearing
 - i) An individual has the right to one postponement not to exceed 14 days from the date of the initial hearing
 - ii) The request for postponement must be delivered to the hearing officer by submitting a written Request for Postponement not later than 2 days prior to the date of the original hearing
 - iii) If the individual does not appear at the hearing, the hearing officer will make his/her decision based on information provided by CIHCP staff
- b. At the hearing, the hearing officer places the participants under oath
 - i) The individual may examine all documents and reports used at the hearing, at a reasonable time before and during the hearing
 - ii) The individual has the right to present evidence during the hearing
- c. The hearing is open to the public. The individual may bring a legal or other authorized representative to the hearing. The County and/or CIHCP will not be responsible for any legal fees or any other cost incurred by the individual.
- d. The hearing will be recorded. Individuals may obtain copies of the hearing upon request and at the expense of the requesting individual.
- e. The CIHCP must prove that the individual has committed a violation as defined in No. 1, above. The hearing officer will base his/her decision upon the information presented at the hearing.. The formal rules of evidence do not apply.

- f. At the conclusion of the presentation of all evidence by the parties, the hearing officer will declare the hearing closed. The hearing officer will notify the individual and CIHCP director of his/her decision in writing within 10 days of the closing of the hearing.

- g. The hearing officers decision will either be that the person did not commit the violation, in which case the person shall remain eligible for CIHCP services;

Or

That the individual did commit the violation alleged, in which case the person shall be subject to the penalty(s) described in No. 2, above.

- j. The hearing officer's decision is final and is not subject to appeal.

REQUEST FOR HEARING

From: _____
Name of Household Member

Address: _____

To Wichita County Judge
 900 7th Street
 Wichita Falls, Texas 76301

I request an appeal to a Fair Hearings Officer of the decision of the CIHCP Director, suspending me from CIHCP services.

Signature - Household Member

Date

Signature - Representative (if applicable)

Date