

Amendment No. 60

Assembly Amendment to Assembly Bill No. 42	(BDR 18-273)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date
Adopted	☐	Lost ☐	Adopted	☐	Lost ☐
Concurred In	☐	Not ☐	Concurred In	☐	Not ☐
Receded	☐	Not ☐	Receded	☐	Not ☐

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold dashed underlining* is newly added transitory language.

NMB/RRY



Date: 4/2/2009

A.B. No. 42—Grants administrative subpoena power for the Medicaid Fraud Control Unit within the Office of the Attorney General to obtain certain records and materials. (BDR 18-273)



ASSEMBLY BILL NO. 42—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED DECEMBER 6, 2008

Referred to Committee on Judiciary

SUMMARY—Grants administrative subpoena power for the Medicaid Fraud Control Unit within the Office of the Attorney General to obtain certain records and materials. (BDR 18-273)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: No.

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the Office of the Attorney General; authorizing, under certain circumstances, ~~for certain officers of the~~ **Attorney General, acting through the Medicaid** Fraud Control Unit, ~~within the Office of the Attorney General~~ to issue a subpoena to obtain certain records and materials; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Medicaid Fraud Control Unit within the Office of the Attorney General as the agency responsible for the investigation and prosecution of violations of offenses with respect to the State Plan for Medicaid. (NRS 228.410) **Section 1** of this bill authorizes ~~for certain officers of the~~ **Attorney General, acting through** the Unit, to issue a subpoena to obtain records and materials to carry out the duties and responsibilities of the Unit. **Section 1** further provides that a person who willfully fails or refuses to comply with such a subpoena is guilty of a misdemeanor.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 228.410 is hereby amended to read as follows:
228.410 1. The Attorney General has primary jurisdiction to investigate and prosecute violations of NRS 422.540 to 422.570, inclusive, and any fraud in the administration of the Plan or in the provision of medical assistance pursuant to the Plan. The provisions of this section notwithstanding, the Department of Health and Human Services and the Division of Health Care Financing and Policy of the

1 Department of Health and Human Services shall enforce the Plan and any
2 regulations adopted pursuant thereto.

3 2. For this purpose, the Attorney General shall establish within his office the
4 Medicaid Fraud Control Unit. The Unit must consist of a group of qualified
5 persons, including, without limitation, an attorney, an auditor and an investigator
6 who, to the extent practicable, have expertise in nursing, medicine and the
7 administration of medical facilities.

8 3. The Attorney General, acting through the Medicaid Fraud Control Unit:

9 (a) Is the single state agency responsible for the investigation and prosecution
10 of violations of NRS 422.540 to 422.570, inclusive;

11 (b) Shall review reports of abuse or criminal neglect of patients in medical
12 facilities which receive payments under the Plan and, when appropriate, investigate
13 and prosecute the persons responsible;

14 (c) May review and investigate reports of misappropriation of money from the
15 personal resources of patients in medical facilities that receive payments under the
16 Plan and, when appropriate, shall prosecute the persons responsible;

17 (d) Shall cooperate with federal investigators and prosecutors in coordinating
18 state and federal investigations and prosecutions involving fraud in the provision or
19 administration of medical assistance pursuant to the Plan, and provide those federal
20 officers with any information in his possession regarding such an investigation or
21 prosecution; and

22 (e) Shall protect the privacy of patients and establish procedures to prevent the
23 misuse of information obtained in carrying out the provisions of this section.

24 4. When acting pursuant to *this section or* NRS 228.175, ~~for this section,~~ the
25 Attorney General may commence his investigation and file a criminal action
26 without leave of court, and he has exclusive charge of the conduct of the
27 prosecution.

28 5. *In carrying out the duties and responsibilities of this section, the ~~chief~~*
29 ~~executive officer of the~~ *Attorney General, acting through the Medicaid Fraud*
30 *Control Unit, ~~for an officer designated by the chief executive officer,~~ may issue a*
31 *subpoena for records and materials.*

32 6. *A person who willfully fails or refuses to comply with a subpoena issued*
33 *pursuant to this section is guilty of a misdemeanor.*

34 7. As used in this section:

35 (a) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

36 (b) "Plan" means the State Plan for Medicaid established pursuant to
37 NRS 422.271.

38 **Sec. 2.** This act becomes effective on July 1, 2009.