

**KANSAS ATTORNEY GENERAL'S**

**MEDICAID FRAUD  
AND ABUSE DIVISION**

**ANNUAL REPORT**

**2009-10**

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The Medicaid Fraud and Abuse Division of the Kansas Attorney General's Office is the Medicaid Fraud Control Unit for the State of Kansas. (Kansas Statutes Annotated 21-3852). This annual report covers the reporting period of July 1, 2008, through June 30, 2009, and provides the information required by 42 C.F.R. § 1007.17. It is submitted in conjunction with the re-certification questionnaire requested by the Office of Inspector General.

## **HISTORY OF UNIT**

The Unit was established pursuant to legislation enacted by the Kansas Legislature in 1995. The Unit operates under the statutory authority granted at Kansas Statutes Annotated 21-3846, et seq. The Unit received certification in 1995 and has been granted recertification each year since. The Unit is a division within the Kansas Attorney General's Office.

Attorney General, Steve Six, upon taking his oath of office in January of 2008, has made protecting the State of Kansas and its citizens from fraud a top priority, and has also committed his entire staff to aggressively investigating and prosecuting fraud and abuse committed against the elderly.

## **MISSION STATEMENT**

The Medicaid Fraud and Abuse Division of the Kansas Attorney General's Office is dedicated to the identification, investigation and litigation of conduct involving health care provider fraud committed against the Kansas Medicaid program, as well as physical abuse or neglect, and financial exploitation of patients in residential care facilities.

## **COMPLIANCE WITH FEDERAL PERFORMANCE STANDARDS**

The Unit is required to comply with specific performance standards outlined by the federal government. This Annual Report, along with the responses to the Recertification Questionnaire, will demonstrate that the Unit is in compliance with each of the Federal Performance Standards.

## **FUNDING**

The Unit is funded 75% by the federal grant and 25% by State of Kansas matching funds. The total budget for FY2010 is \$1,568,000.00, which includes indirect costs.

A copy of the FY2010 budget for the Unit is included as Appendix A.

## **STAFFING**

The Unit is staffed with a Deputy Attorney General, who serves as the Director of the Unit, three (3) Assistant Attorneys General, a Senior Auditor, two (2) Auditors, a Special Agent-In-Charge, five (5) Special Agents, a Nurse Investigator, a Paralegal, and an Administrative Assistant. The Unit also employs a part-time Legal Intern, a student from the local law school.

During this past fiscal year our Unit experienced growth due to the recent enactment of a Civil False Claims Act. In order to fulfill our obligations under this new Act, an Assistant Attorney General with experience in complex civil litigation and a Special Agent were hired. For the upcoming year it is anticipated that a paralegal will also need to be hired to assist with the civil cases.

## **Staff/Qualifications**

**The Director is a Deputy Attorney General, having worked for the Kansas Attorney General for more than nine (9) years and having more than six (6) years experience prosecuting white collar and other crimes. The Director is cross-designated as a Special Assistant United States Attorney, having actively participated or conducted at least four (4) federal fraud cases, two (2) of which resulted in convictions after a jury trial.**

**The Assistant Attorneys General have varied experience that make them vital to the Unit. One has a background in criminal prosecution, both white collar and violent crimes, while the other has a civil background and has developed into an outstanding prosecutor. Both prosecutors are presently cross-designated as Special Assistant United States Attorneys. The most recent addition to our staff has vast experience in handling complex civil litigation. He brings a wealth of knowledge that will certainly pay dividends as he pursues civil matters on behalf of the Unit and the State of Kansas.**

**The Special Agent in Charge has extensive experience investigating all types of crime. Before joining the Unit he served as the Sheriff of Jackson County, Kansas on two separate occasions. He brings a wealth of knowledge and practical experience to the Unit.**

**The Special Agents are certified Law Enforcement Officers, with a combined total of over 75 years of experience between the five (5) of them, each possessing special skills that make them very valuable to the Unit. This includes our newest agent, who joined the Unit on August 2, 2010.**

**The Nurse Investigator is a Registered Nurse, having been licensed as a nurse for more than 20 years. Prior to joining the Unit she was employed by the fiscal agent for the Kansas Medicaid Program for more than five (5) years. Her previous experience with the fiscal agent has made it possible for the Unit to utilize her to conduct some data analysis, as needed, in addition to her nurse investigator duties.**

During this past year we reorganized the analytical aspect of our Unit. One of our Analysts had consistently demonstrated her abilities to not only complete the work assigned to her, but also to take on a supervisory role as relates to the other analysts. As a result, and after much discussion and consideration, she was promoted to Senior Auditor. The two remaining Analysts had their titles changed to Auditors. With the new titles have come new expectations, primarily expanding their abilities to be able to complete many forms of analysis. This change has allowed us to take advantage of the wealth of experience that our new Senior Auditor possesses, in excess of 30 years, while at the same time developing our other Auditors into more well-rounded analysts that can look at a case from multiple aspects. The Senior Auditor has also taken on the responsibility of working with our Special Agents to teach them some of the basic aspects of data and financial analysis that can be utilized during the investigative stages of the cases. It is still the goal of the Unit to have all of our Auditors complete certification to become Certified Fraud Examiners.

Finally, the Unit has two (2) support staff, an Administrative Assistant and a Paralegal. The Administrative Assistant will also serve as our grant administrator in the upcoming reporting period. She has proven herself over and over in taking on new tasks and responsibilities and is a vital member to our team. We were very fortunate during some recent reorganization by the Attorney General's Office to be able to hire a paralegal from within the agency. Prior paralegals were able to do some very limited paralegal type work, but were not certified or trained as actual paralegals. This addition has really opened up some new doors for the attorneys in the Unit as we now have someone with the requisite experience that we can turn to in order to handle some basic legal matters. While we intend for her focus to be in the area of criminal law, she has expressed an interest in assisting with the civil matters as well. While we still plan to hire another paralegal in the future to assist our growing attorney staff, this hire at least presents us with some alternatives that we did not have available to us before.

An organizational chart of the Unit, reflecting the changes set forth above, is included as Appendix B, as is an organizational chart of the Kansas Attorney General's Office.

## **TRAINING**

**The Unit has committed itself to providing each and every staff member with the opportunity to experience a wide variety of training targeted at educating them on the skills and techniques needed to understand and perform the duties related to their respective positions.**

**The current reporting period saw a significant effort to focus the training received by staff more specifically on the efforts and mission of the Unit. The addition of many new staff members over the past two years has really made this possible as we are seeking ways to evolve and improve the Unit. During the upcoming year it is anticipated that computer-related training will be the focus, as the Unit prepares for the introduction of a new case management system and other programs designed to make the Unit more efficient.**

**A chart detailing all training received by the staff of the Unit is included as Appendix C.**

## PERFORMANCE AND PROJECTIONS

Performance by the Unit continues to improve, as is demonstrated by the statistics set forth below. As the Unit continues to adapt to changes that have been made, and make additional changes to the manner in which cases are handled, it is projected that the Unit will become much more efficient. The anticipated result is that the Unit will see improved statistics when compared to years past. At the same time, it is recognized that there will likely be a much higher number of referrals to the Unit, especially in light of the emphasis being placed on combating elder abuse, and the effort being made to create an awareness of what the Unit does.

### 42 C.F.R § 1007.17 INFORMATION

- (a) The number of investigations initiated and the number completed or closed, categorized by type of provider are:

	Initiated Cases	Closed Cases
<b>FRAUD</b>		
1. Hospitals	1	2
2. Nursing Facility	2	2
3. Other Long Term Care	0	0
4. Substance Abuse Treatment Centers	1	2
5. Other Facilities	0	1
6. MD/DO	0	1
7. Dentists	1	2



<b>8. Podiatrist</b>	<b>0</b>	<b>0</b>
<b>9. Optometrist/Optician</b>	<b>0</b>	<b>0</b>
<b>10. Counselor/Psychologist</b>	<b>0</b>	<b>1</b>
<b>11. Chiropractor</b>	<b>0</b>	<b>0</b>
<b>12. Other Practitioners</b>	<b>2</b>	<b>1</b>
<b>13. Pharmacy</b>	<b>3</b>	<b>0</b>
<b>14. Pharmaceutical Mfr.</b>	<b>32</b>	<b>14</b>
<b>15. DME</b>	<b>3</b>	<b>2</b>
<b>16. Lab</b>	<b>0</b>	<b>0</b>
<b>17. Transportation</b>	<b>1</b>	<b>6</b>
<b>18. Home Health Care Agency</b>	<b>6</b>	<b>6</b>
<b>19. Home Health Care Aides</b>	<b>24</b>	<b>18</b>
<b>20. All Nurses/PA/NP</b>	<b>7</b>	<b>7</b>
<b>21. Radiology</b>	<b>0</b>	<b>0</b>
<b>22. Other Medical Support</b>	<b>2</b>	<b>0</b>
<b>23. Managed Care</b>	<b>0</b>	<b>0</b>

24. Medicaid Program Administration	0	0
25. Billing Company	1	0
26. Other Program Related	0	0
<b>ABUSE &amp; NEGLECT</b>		
27. Nursing Facility	0	1
28. Other Long Term Care	0	0
29. Registered/Licensed/Nurse/PA/NP	5	3
30. CNA	4	6
31. Home/Personal Care Aide	0	0
32. Other Abuse & Neglect	2	1
<b>PATIENT FUNDS</b>		
33. Non-Direct Care	1	4
34. Registered/Licensed Nurse/PA/NP	0	0
35. CNA	0	0
36. Other Patient Funds	8	11
<b>TOTAL</b>	<b>106</b>	<b>91</b>

**(b) Current Case Activity**

<b>Open Cases as of 07/01/2009</b>	<b>164</b>
<b>Cases Initiated During Period</b>	<b>106</b>
<b>Less: Cases Closed/Completed</b>	<b>(91)</b>
<b>Open Cases as of 06/30/2010</b>	<b>179</b>

**Number of cases prosecuted or referred for prosecution:**

- 13 Cases were filed/prosecuted by the Unit**
- 0 Cases were referred to other agencies for prosecution**

**Number of cases finally resolved and their outcomes:**

- 16 Cases resulted in convictions by pleas of guilty or no contest**
  - 1 Convictions resulted in incarceration of defendant**
  - 15 Convictions resulted in probation**
- 6 Cases were completed through Pretrial Diversions**
- 1 Case resulted in acquittal by a judge or jury**
- 4 Cases were settled in civil court by Settlement Agreement**

**Number of cases investigated but not prosecuted due to insufficient evidence:**

- 53 Cases were investigated and closed without prosecution**

**(c) Number of complaints/referrals received regarding abuse and neglect of patients in health care facilities:**

**Every report received by the Kansas Department on Aging regarding potential abuse, neglect or exploitation occurring in healthcare facilities, as well as those reports received from consumers or the public, is reviewed. Those involving serious allegations, which warrant additional investigation, are staffed and an official investigation file is opened. There were 4692 complaints reviewed by the Unit that involved reports submitted to the Kansas Department on Aging.**

**The Unit received 19 referrals of abuse, neglect or exploitation from other agencies.**

**The Unit received 13 referrals of abuse, neglect or exploitation from individuals or private entities.**

**Number of such complaints investigated by the Unit:**

**The Unit opened investigations in 10 cases that were referred by the Kansas Department on Aging, or that were learned about during the course of a review of Aging records.**

**The Unit opened 8 investigations based on referrals from other agencies, and 2 investigations based upon referrals from private referrals.**

**Number of such complaints referred by the Unit to other state agencies:**

**The Unit referred 8 complaints alleging abuse, neglect or exploitation to other state agencies.**

**(d) Recovery Actions**

**Number of recovery actions initiated by the Unit:**

**The Unit does not normally engage in recovery actions, instead referring those matters to the Single State Agency to be handled under their administrative hearing process. This past year the Unit did have one provider that was willing to forego the administrative hearing process. As a result, the Unit essentially initiated a recovery action against this one provider and recovered \$415.00, which was forwarded to the Single State Agency.**

**Number of recovery actions referred to another agency:**

**There were 15 cases referred to other agencies, including the Single State Agency, for recovery actions.**

**Total amount of overpayments identified by the Unit:**

**For this reporting period the Unit identified and referred to the Single State Medicaid Agency matters of apparent overpayments that do not rise to the level of criminal or civil action against the provider. Thus, the determination of the amount of overpayment in those instances was left up to the Single State Medicaid agency.**

**Number of recovery actions initiated by the Single State Medicaid Agency under its agreement with the Unit:**

**The Unit has no way of independently tracking the number of actions initiated by the Single State Agency and must rely on the information provided to us by that agency.**

**For this reporting period, 144 recovery actions were reported as having been initiated by the Single State Medicaid Agency as administrative recoupments under its agreement with the Unit.**

(e) **Overpayments Collected**

**Total amount of overpayments collected by the Unit:**

**Global Cases:**

**\$ 9,485,345.28 (This number includes both the federal and state shares of global case settlements pursued in conjunction with the National Association of Medicaid Fraud Control Units, but does not include any penalties, attorneys fees or costs recovered in those settlements.)**

**Criminal Cases:**

**\$3,951,288.40 was ordered as restitution in criminal cases completed by the Unit in which a conviction was obtained. This amount will be collected by the Single State Medicaid Agency. (See (e) below).**

**Civil Cases:**

**\$8,522,383.00 was ordered as a result of civil judgments obtained by the Unit. The proceeds of these settlements were paid to the Single State Agency.**

**Total amount of overpayments actually collected by the Single State Medicaid Agency under its agreement with the Unit:**

**The Unit has no way of independently tracking the overpayments actually collected by the Kansas Health Policy Authority, and must rely on the information provided to us by that agency. Pursuant to the MOU, the Single State Medicaid Agency prepares a quarterly report showing all overpayments collected on the criminal convictions obtained by the Unit.**

**For this reporting period, \$16,048.75 in overpayments were reported as having actually been collected by the Single State Medicaid Agency under its agreement with the Unit, pursuant to criminal convictions obtained by the Unit.**

In addition, \$4,380,538.37 in overpayments were reported as having been identified for recoupment by the Single State Medicaid Agency under the administrative recoupment process, and \$1,062,785.88 was actually recouped.

**(f) Projections for next 12 months:**

- 90 Fraud cases projected to be referred to the Unit**
- 5,500 Abuse cases projected to be referred to the Unit**
- 115 Investigations projected to be opened**
- 25 Cases projected to be filed as criminal cases**
- 20 Cases projected to be completed, obtaining a criminal conviction**
- 5 Cases projected to be filed as civil false claims matters**
- 10 Cases projected to be finalized to civil judgment**
- 100 Total cases projected to be closed**

**(g) Costs incurred by the Unit:**

**Total federal and state direct costs during this reporting period:**

**\$ 1,167,029.82**

**Total federal and state indirect costs during this reporting period:**

**\$ 116,538.08**

**Total Costs incurred by the Unit:**

**\$ 1,283,567.90**

**(h) Evaluation narrative of the Unit's performance during the period of time covered by this report:**

**This past year was a very good year for the Unit. Statistically, and this is documented in the Performance and Projections section above, the Unit performed very well. Once again, the Unit managed to post statistics that surpassed previous years. The Unit reported total recoveries to the Kansas Medicaid Program in excess of \$21.9 million. This exceeded the \$17 million recovered in FY 2009. In the past 3 years the Unit has recovered more than double the total recoveries of the first 11 years of the Unit's existence. With our ongoing AWP litigation it is anticipated that the Unit will continue to show spectacular returns, and surpass this last year's totals in the upcoming year.**



Despite the tremendous success realized by the Unit, we continue to struggle to keep up with our increasing caseload. While we anticipate and hope that the addition of our civil litigator and an sixth Special Agent will provide some relief, we also recognize that this will likely continue to be a problem for years to come. As was the case last year, the Unit continues to receive more complex and time consuming cases, making the task of balancing the case load that much more challenging. While we do continue to receive and investigate a number of the basic, less complex cases, there are constantly new schemes that are being employed, requiring new and innovative methods of investigation and general case handling.

This past year saw the implementation of a much anticipated and long awaited case management system, "LawBase". This system has been in the works for nearly two years and was finally fully implemented in the Unit as of April of 2010. While this has been a very positive step forward for the Unit, it has involved a number of technical glitches, as well as a fairly steep learning curve. The conversion process from our old system to the new, while somewhat seamless, did create some issues in reporting. Fortunately, through some very good work by one of our auditors and our administrative assistant we were able to adapt to the new system and are now using it on a daily basis. I do not believe that we have fully realized the potential that this system brings, and there are still many things we do not do as we should; however, over time I anticipate that we will really see the benefit of this project.

Last year we reported that our Legislature had finally enacted a civil False Claims Act. This past year we were able to reorganize the Unit to create space necessary to hire staff for handling these new cases. As was reported earlier, we have hired a new civil litigator with a wealth of knowledge, especially knowledge of complex fraud litigation. The benefits of this hire have been immediate as he has already identified potential civil cases to be filed by our Unit. He has stepped right in and assisted with the representation of our State's interests in the ongoing Wyeth Best Price litigation, which we intervened in this past year. He has also embraced the responsibility of setting Unit protocols to be exercised as we move forward with our efforts in the civil arena, as well as evaluating the most effective ways for the criminal and civil sections to work together. The experience and abilities he offers have already been a tremendous boost to the Unit and we are excited about the prospects he brings for the future.

In addition, another Special Agent was hired to assist in working with the increased case load that was anticipated with the enactment of the new False Claims Act. While this position is not specific to the civil section, there is an understanding that this agent, as well as all of the Agents in the Unit, will have investigations that may be pursued either criminally, civilly or both. In fact, that is one of our tasks for this upcoming year: to work with our agents to educate them on the difference between a civil case and criminal case. We want to make sure that any investigative steps taken as part of the criminal investigation will not necessarily preclude our civil attorneys from pursuing the matter in civil court. While we do not expect to alter any of their investigative tactics, it is necessary to create more of an understanding as to what is involved in preparing a civil case for litigation and how the investigation can impact that.

On the issue of staffing, and following up on last year's report, we were able to successfully replace our auditor, who had been with the Unit for more than 12 years. We were fortunate to hire an individual that is not only properly suited for the auditor position, but that has also served as a prosecutor and an attorney for the state for many years. He came to us indicating that he was interested in making a career change, having "given his pound of flesh." He immediately demonstrated some outstanding computer skills, making him very valuable to the Unit as an auditor. In addition, he has agreed to take on the IT responsibilities for the Unit, which helped out tremendously during the transition to the new case management system. The fact that he is still a licensed attorney only helps in that he has a unique insight as to what the prosecutors are looking for that other auditors may not possess.

On the legislative front, the Unit took an active role in two pieces of legislation. In the past few years there has been a growing awareness that throughout the State of Kansas our elderly citizens are being victimized at an alarming rate through the use of Durable Powers of Attorney, and that there has been little effort made to confront this problem. In an effort to try to gain an upper hand over this growing problem, the Unit worked closely with the Attorney General's Legislative Liaison and made some recommendations to the Legislature to create more awareness of the problem, openness and transparency of the process, and guidance for those granting and receiving of Durable Powers of Attorney. We were able to draw support for this legislative initiative from a number of agencies from across the State, as well as the AARP. Unfortunately, our efforts were less than fruitful as we met with fairly strong resistance from the Probate Division of the Kansas Bar Association, and the Bill never made it out of committee. Although unsuccessful this past year, we continue to support amendments to the current statutes and have participated in numerous discussions on possible fixes that may be introduced during the next legislative session.

Last, but certainly not least, success was realized in the AWP litigation that was filed on behalf of the State of Kansas in 2008. While the Unit was not directly responsible for filing the litigation or handling the matters, many of the staff have been called on at various times to provide assistance. It has been a great learning experience for the many of Unit's staff. We look forward to the upcoming year as the litigation moves closer to trial, and the demands and opportunities continue to increase.

## **SIGNIFICANT CASE(S) FOR REPORTING PERIOD**

### **United States v. Schneider**



Dr. Schneider and his wife Linda, a licensed practical nurse, owned and operated a medical clinic in Hayesville, a suburb of Wichita, Kansas. Seemingly unregulated, Schneider built a very large pain management practice at his clinic, drawing patients from a large area surrounding the Hayesville community. Schneider began to draw attention when it was noticed that a number of his patients were dying of what appeared to be overdoses. The clinic had 68 patients that died from overdoses from controlled prescription drugs. All 68 patients had received prescriptions from Schneider's clinic for pain medications. The case focused on the deaths of 21 of these patients, demonstrating that the Schneiders distributed controlled substances without a legitimate medical purpose, falsified insurance claims and engaged in illegal financial transactions with the monies obtained from their crimes. It was also alleged that the Schneiders had committed health care fraud, having billed Medicaid and other insurance providers more than \$4 million while they operated the clinic.

**After a lengthy trial, lasting approximately eight weeks, review of thousands of documents, testimony on hours upon hours of record reviews by expert witnesses, as well as testimony from many victim and family witnesses, and days of deliberation, the jury found that Stephen Schneider was guilty of one count of conspiracy to commit health care fraud, four counts of unlawful distribution of controlled substances resulting in the death of the patient, one count of illegally distributing controlled substances, three counts of health care fraud resulting in death, eight counts of submitting false claims to Medicaid and to private insurers and two counts of money laundering. Linda Schneider was found guilty of one count of conspiracy to commit health care fraud, four counts of aiding and abetting the unlawful distribution of controlled substances resulting in the death of the patient, one count of aiding and abetting in illegally distributing controlled substances, three counts of health care fraud resulting in death, eight counts of aiding and abetting the submitting false claims to Medicaid and to private insurers and fifteen counts of money laundering. They are scheduled for sentencing later this year and both face potential lifetime sentences for their roles, as well as millions of dollars in restitution to the government.**

**This case is important not only because of the significance of the allegations and the potential sentence, but also because of the cooperation demonstrated throughout the case. This case originated as a federal investigation. Due to the large volume of Medicaid beneficiaries, our Unit was contacted to provide assistance in the investigation. An agent from our Unit, as well as an auditor, spent a considerable amount of time working on this case during the investigation stages. A prosecutor from the Unit assisted with all aspects of the trial. The list of agencies, both state and federal, that participated in this case is very long and covers many acronyms. To be able to work on such a large case, for such a long time, and avoid the major pitfalls that can sometimes rear their ugly heads was a tremendous success story for all involved.**

## State of Kansas v. Vivian Mundy

Vivian Mundy (“Mundy”) owned and operated Cognitive Care Connection in Emporia, Kansas (“CCC”). CCC had been enrolled with the Kansas Medicaid Program to provide Traumatic Brain Injury (“TBI”) services under the Home and Community Based Services program (“HCBS”). A referral from our SURS Unit indicated abnormal billing by CCC without documentation to support the claims being submitted by CCC. The Unit conducted an extensive review and investigation of CCC’s records, eventually shortening the investigation in order to proceed with the case and work to get Mundy excluded as a Medicaid provider. The review resulted a criminal Complaint filed against Mundy alleging six (6) counts of criminal fraud against the Medicaid Program, as well as one (1) count of obstruction of an investigation and one (1) count of concealment of records.



The fraud counts were based upon six (6) different schemes alleged against Mundy: non-documented services, services that overlapped with other medical services, billing for services that could not have been provided due to time and travel constraints, failure to provide services because Mundy was doing other things, (i.e., shopping), duplicate claims submitted for the same services, and simple failure to provide services billed for. After a jury trial, Mundy was found guilty of five (5) counts of Medicaid fraud, as well as the one (1) count of obstruction. She was sentenced to a term in prison that was ultimately suspended and she was placed on probation. A condition of her probation was that she had to serve 60 days in the Lyon County Jail. She was also ordered to repay \$103,231.88 to the Kansas Medicaid Program as restitution, and \$54,792.25 to the Unit as reimbursement for costs incurred. Furthermore, she was ordered excluded from participating in the Medicaid Program as a provider, pending final exclusion by the Department of Health and Human Services.

## State of Kansas v. Russell Shepard

Russell Shepard (“Shepard”) had been employed by the Brookside Retirement Community as a certified nurse aid (“CNA”). On the date in question, Shepard was working the night shift, along with another CNA, Jane Warren (“Warren”). At various times throughout the shift Warren had noticed Shepard in or near the victim’s room. At one point she noticed that Shepard had been missing for a while. In checking his hallway she noticed that the victim’s door was shut, which was uncommon. She entered the room, opened the curtain partition surrounding the victim’s bed and saw Shepard on his knees with his head between the victim’s legs.

The victim was a non-verbal, severely mentally retarded resident who would not have been aware of sexual contact, according to Shepard. During the course of the interview of Shepard by Special Agents from the Unit, he admitted to having his head in her vaginal area, although he claimed he was looking to see if she needed further cleaning. He admitted to having gotten aroused when he bathed the female residents and that on numerous occasions he had masturbated in the facility restroom after having seen the residents naked. While Warren could not testify to having seen Shepard actually touching the victim in a sexual manner, she did state that she saw his head moving up and down in a “bobbing” motion. Shepard eventually plead guilty to one count of Attempted Aggravated Sexual Battery. He was placed on probation by the court and ordered to register on the Sex Offender Registry. He was also prohibited from working in nursing home facilities in any capacity.

## **PUBLIC AWARENESS**

**The Unit continues to be dedicated to providing education to Medicaid providers, health care providers, state workers, social workers, and the general public about the issues of health care fraud and abuse, neglect and exploitation that are occurring in our state and around the nation. Furthermore, it has been a matter of significance to the Attorney General that this Unit seize every opportunity to work with and educate the public.**

**The Unit, again, teamed with the Attorney General's Consumer Protection Division to operate an informational booth at the Kansas State Fair. This provides a great opportunity for members of our staff to meet with the public and answer questions specifically about the Medicaid Fraud and Abuse Division and create further public awareness about the efforts of our Unit. The Unit also teamed with the Consumer Protection Division to conduct some joint public awareness presentations. It was a chance for each of the divisions to work together to demonstrate the Attorney General's dedication to protecting the most vulnerable of its citizens. We look forward to continuing to develop this partnership within the agency as we strive to educate more and more people about fraud and abuse.**

**The Unit has been invited and given the opportunity to conduct a statewide training for law enforcement officers looking for training specific to investigating elder abuse. Preliminary planning is underway, and we hope to hold this training before the end of FY 2011.**

**A chart setting forth the presentations made by staff of the Unit is set forth in Appendix D.**

## **PARTNERSHIPS AND OTHER RELATIONSHIPS**

The Unit has long recognized the importance of working with other agencies in the pursuit of fraud and abuse matters. Throughout this reporting period the Unit has been open to, and has participated in many groups that focus on prevention of fraud and abuse of the elderly.

The Unit has a tremendous working relationship with many federal agencies. Of particular note is the work that has been accomplished with the United States Attorney's Office for the District of Kansas. The Unit has consistently been invited to participate in cases initiated in federal court. In fact, this reporting period saw the completion of a case that was filed in federal court, by the Unit, with the assistance of the United States Attorney's Office (United States v. Shelley Harding). There are currently at least two cases that are being worked jointly with the United States Attorney's Office and/or the Department of Health and Human Services, Office of Inspector General, Office of Investigations. As the attorneys in the Unit become more familiar with the federal court system we anticipate the Unit will pursue more cases in federal court. Moreover, as resources permit, the Unit will continue to seek out the assistance of the trained staff of HHS-OIG-OI in pursuing fraud investigations.

The Unit continues to maintain a good working relationship with the Single State Medicaid Agency. For a number of years the Unit has participated in monthly meetings with the Single State Medicaid Agency and the fiscal agent. This has allowed us to maintain an open line of communication with each agency, thereby creating a better working relationship.

Due to the increased reliance by the Single State Medicaid Agency on Managed Care Organizations ("MCOs"), the MCOs have been invited to send representatives to the monthly meetings. One benefit of this is that it has given the Unit an opportunity to communicate directly with the MCOs rather than having to rely on a third party. While this does not always resolve the issues, it does give us an opportunity to work directly with the MCOs in order to discuss the issues and try to reach an informed resolution.

In addition to working well with federal agencies, the Unit continues to pursue working relationships with various state and local agencies. This has included becoming involved with a number of task forces.



We have been regular members of the Topeka Coalition against Adult Abuse (“TCAA”), which involves a number of local agencies, as well as the local prosecutor’s office and law enforcement. In fact this past year the Director of the Unit participated in a 2 day conference that was organized and hosted by the TCAA. It was a tremendous opportunity to speak to and educate individuals that are in direct contact with our abuse and exploitation victims. With the growing magnitude of exploitation of the elderly it is very important that we do what we can to educate those on the front lines so that they know what to look for and where to report it once they notice possible abuse or exploitation. From this conference members of the Unit were able to reach out to a number of other agencies and make similar presentations. This has also resulted in newly formed relationships that are allowing the Unit to establish a presence in the community. In addition, the Attorney General, with the assistance of the Unit, partnered with the TCAA to produce a pamphlet to be distributed to the elderly. The pamphlet is one in series of information brochures that will be distributed to the elderly and their caretakers in an attempt to educate them on the dangers that are lurking.

The Unit also has members in the Kansas City Metro Health Care Fraud Working Group which is sponsored in part by the FBI, and is in the process of partnering with the United States Attorney’s Office to establish a Kansas Healthcare Fraud Working Group. Both of these provide networking opportunities to the Unit, as well as opportunities to work with other experts in the field that may be able to assist in our cases. We look forward to some positive returns from this latest partnership.

## **ISSUES AND RECOMMENDATIONS**

The ever increasing caseload continues to be an issue. Although we have done a much better job of working through our cases, reducing the average turnaround from 25 months to 18.5 months, the number of complex cases requiring more time from staff continues to grow. Eventually, we may have to decline some cases that we may have otherwise pursued in the past due to the growing complexity of the cases we are handling. I am positive that this cannot be an issue unique to Kansas, and is obviously an issue that is not going away anytime soon.

As with every reporting period, as we reflect back we recognize that the Unit could have easily employed more staff to aid in the investigation of the many fraud and abuse referrals that we received throughout the year. The staff does a tremendous job with the time and resources they have, but many cases go uninvestigated due to a lack of manpower. The Unit continues to evaluate each case individually, while attempting to prioritize the most important cases. Many times that means good cases simply do not get handled, despite a tremendous effort by staff. With the recent federal legislation increasing the size of Medicaid, and the economic problems, one of the big concerns is that more fraud is likely to occur, thereby increasing our caseload that much more. One positive coming out of this last year was our new civil section, and the two new employees that were hired to facilitate it. Obviously, the increased manpower is a great help. On the other hand, civil cases can be lengthy and quite demanding, compared to criminal cases. As such, the resources necessary to maintain a civil case load may end up being an additional drain on our already limited resources. For now we will move forward with our efforts and hope for the best.

Another area of concerns centers on the Single State Agency's continued transition from fee-for-service towards the utilization of Managed Care Organizations to handle certain areas of the program. In discussing the matter with other Units, it appears that those states that have long been fee-for-service are looking at this as a viable option, particularly in light of the economic problems and shrinking budgets. Understanding the perceived benefits, we have been forced to deal with a number of inconsistencies that this transition is causing.

To begin with, the manuals supplied to providers by the MCOs are not up to the same standard as those of the Single State Agency. The manuals can be confusing for providers to read and follow, and it can be difficult to maintain and follow the various updates to the manuals. These are issues that the Single State Agency has had years to work through and "perfect", and now we are starting over with a number of new entities. When trying to evaluate cases to determine if criminal conduct has occurred, problems have arisen as a result of these substandard manuals, often time resulting in a declination of the case because the manual is not clear on the matter. Through our SURS meetings we continue to work with the MCOs and the Single State Agency to resolve the problems that have been identified with the manuals.

The other area of concern relating to the use of MCOs involves the claims process. Due to the reliance on the MCOs to handle the entire claims process, there is very little information is available to the Unit through the fiscal agent. We are constantly reassured that the Single State Agency is working to incorporate encounter data supplied by the MCOs. To date these efforts have not been fruitful, and we are required to work that much harder on cases involving MCO referrals. In order to obtain relevant data, the Unit must turn to the MCO handling the program in question and seek the data. Unfortunately, there has been no effort by the state to ensure that the MCO databases are compatible with the fiscal agent's database. If data has to be requested from the MCO and from the fiscal agent, for the period prior to the MCOs involvement, it is impossible at this point to merge the data in to a single database for analysis. Failure by the Single State Agency to require that the MCOs database fields correspond to the fiscal agent's database fields makes the process of auditing the data increasingly difficult. In an attempt to alleviate some of this the Unit has made suggestions to the Single State Agency, including a simple requirement that the database fields be compatible. Time will tell if our suggestion is heeded.

As was reported last year the Legislature spent a considerable amount of time looking at the current placement of the Inspector General's ("IG") office. Currently, the IG is located within the agency that houses the Single State Agency, the Kansas Health Policy Authority (KHPA). The position, while nominally "independent" still must report to the Executive Director of KHPA. Therein lies the problem. Consideration was given to placing the IG's office under the authority of the Legislative Post Audit Committee. It was also suggested that perhaps the IG should be placed under the authority of the Attorney General's office. The matter was sent to a committee to be studied prior to the last Legislative session. The current IG, in response to the criticism about the office, assured the committee that the office was independent from the Single State Agency. In light of the possible alternatives, the decision was made to recommend that the office remain under KHPA, with the understanding that the IG reports to the KHPA board, and not to the Single State Agency. Some efforts were undertaken to clarify the statutory language relating to the reporting requirements.

**APPENDIX A**  
**OFFICE OF THE KANSAS ATTORNEY GENERAL**  
**MEDICAID FRAUD AND ABUSE DIVISION**  
**FY 2010 BUDGET**

OMB Number: 4040-0004  
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424		Version 02
* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application		* 2. Type of Application:      * If Revision, select appropriate letter(s): <input type="checkbox"/> New <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Revision  * Other (Specify) _____
* 3. Date Received: _____ <small>Completed by Grants.gov upon submission.</small>		4. Applicant Identifier: _____ Office of Kansas Attorney General
5a. Federal Entity Identifier: _____		* 5b. Federal Award Identifier: _____ SMFCU-17
<b>State Use Only:</b>		
6. Date Received by State: _____		7. State Application Identifier: _____
<b>8. APPLICANT INFORMATION:</b>		
* a. Legal Name: Office of the Attorney General		
* b. Employer/Taxpayer Identification Number (EIN/TIN): 48-6029925		* c. Organizational DUNS: 149819976
<b>d. Address:</b>		
* Street1: 120 SW 10th Avenue, 2nd Floor Street2: _____ * City: Topeka County: Shawnee * State: Kansas Province: _____ * Country: USA: UNITED STATES * Zip / Postal Code: 66612-1597		
<b>e. Organizational Unit:</b>		
Department Name: Kansas Attorney General		Division Name: Medicaid Fraud and Abuse
<b>f. Name and contact information of person to be contacted on matters involving this application:</b>		
Prefix: Mr.      * First Name: Loren Middle Name: F. * Last Name: Snell Suffix: Jr. Title: Deputy Attorney General Organizational Affiliation: Kansas Attorney General * Telephone Number: (785) 368-6220      Fax Number: (785) 368-6223 * Email: loren.snell@ksag.org		

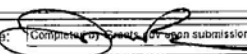
**APPENDIX A**  
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**FY 2010 BUDGET**

OMB Number: 4040-0004  
Expiration Date: 01/31/2009

<b>Application for Federal Assistance SF-424</b>	Version 02
<b>9. Type of Applicant 1: Select Applicant Type:</b> <input type="text"/>	
Type of Applicant 2: Select Applicant Type: <input type="text"/>	
Type of Applicant 3: Select Applicant Type: <input type="text"/>	
* Other (specify): <input type="text"/>	
<b>* 10. Name of Federal Agency:</b> NGMS Agency <input type="text" value="Dept of Health &amp; Human Services/Office of Inspector General"/>	
<b>11. Catalog of Federal Domestic Assistance Number:</b> <input type="text" value="93.775"/> CFDA Title: <input type="text" value="State Medicaid Fraud Control Unit Grant Program"/>	
<b>* 12. Funding Opportunity Number:</b> MBL-SF424FAMILY-ALLFORMS <input type="text" value="93,775"/> * Title: <input type="text" value="MBL-SF424Family-AllForms State Medicaid Fraud Control Unit Grant Program"/>	
<b>13. Competition Identification Number:</b> <input type="text" value="N/A"/> Title: <input type="text"/>	
<b>14. Areas Affected by Project (Cities, Counties, States, etc.):</b> <input type="text" value="Statewide"/>	
<b>* 15. Descriptive Title of Applicant's Project:</b> <input type="text" value="Medicaid Fraud &amp; Abuse Division to investigate and prosecute provider fraud and patient abuse in the Kansas Medicaid Program."/>	
Attach supporting documents as specified in agency instructions. <input type="button" value="Add Attachments"/> <input type="button" value="Delete Attachments"/> <input type="button" value="View Attachments"/>	

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**FY 2010 BUDGET**

OMB Number: 4040-0004  
 Expiration Date: 01/31/2009

<b>Application for Federal Assistance SF-424</b>		Version 02
<b>16. Congressional Districts Of:</b>		
* a. Applicant	KS-001	* b. Program/Project <span style="border: 1px solid black;">KS-all</span>
Attach an additional list of Program/Project Congressional Districts if needed.		
<input type="text"/> <input type="button" value="Add Attachment"/> <input type="text"/> <input type="text"/>		
<b>17. Proposed Project:</b>		
* a. Start Date:	10/1/09	* b. End Date: <span style="border: 1px solid black;">9/30/10</span>
<b>18. Estimated Funding (\$):</b>		
* a. Federal	1,202,927	
* b. Applicant	400,975	
* c. State		
* d. Local		
* e. Other		
* f. Program Income		
* g. TOTAL	1,603,902	
<b>* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?</b>		
<input type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on <input type="text"/>		
<input type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review.		
<input type="checkbox"/> c. Program is not covered by E.O. 12372.		
<b>* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)</b>		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="text"/>		
<b>21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)</b>		
<input checked="" type="checkbox"/> <b>** I AGREE</b>		
<small>**The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.</small>		
<b>Authorized Representative:</b>		
Prefix:	Mr.	* First Name: <span style="border: 1px solid black;">Steve</span>
Middle Name:		
* Last Name:	SIX	
Suffix:		
* Title:	Attorney General	
* Telephone Number:	(785) 296-2215	Fax Number: <span style="border: 1px solid black;">(785) 296-6296</span>
* Email:		
* Signature of Authorized Representative:		* Date Signed: <span style="border: 1px solid black;">10/1/09</span>

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**APPENDIX A**  
**OFFICE OF THE KANSAS ATTORNEY GENERAL**  
**MEDICAID FRAUD AND ABUSE DIVISION**  
**FY 2010 BUDGET**

**BUDGET INFORMATION - Non-Construction Programs**

OMB Approval No. 4040-0006  
Expiration Date 04/30/2008

SECTION A - BUDGET SUMMARY						
Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. SMFCU		\$	\$	\$ 1202927	\$ 400975	\$ 1603902
2.						
3.						
4.						
5. Totals		\$	\$	\$ 1202927	\$ 400975	\$
SECTION B - BUDGET CATEGORIES						
6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (8)	
	(1)	(2)	(3)	(4)		
a. Personnel	\$ 871181	\$	\$	\$	\$ 871181	
b. Fringe Benefits	256754				256754	
c. Travel	40650				40650	
d. Equipment	19000				19000	
e. Supplies	61500				61500	
f. Contractual	153300				153300	
g. Construction	0				0	
h. Other	34250				34250	
i. Total Direct Charges (sum of 6a-6h)	1436635				\$ 1436635	
j. Indirect Charges	167267				\$ 167267	
k. TOTALS (sum of 6i and 6j)	\$ 1603902	\$	\$	\$	\$ 1603902	
7. Program Income	\$ 0	\$	\$	\$	\$ 0	

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SECTION C - NON-FEDERAL RESOURCES					
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS	
8. SMFCU	\$ 400975	\$	\$	\$ 400975	
9.					
10.					
11.					
12. TOTAL (sum of lines 8-11)	\$ 400975	\$	\$	\$ 400975	
SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$ 1202927	\$ 300732	\$ 300732	\$ 300732	\$ 300731
14. Non-Federal	\$ 400975	100244	100244	100244	100243
15. TOTAL (sum of lines 13 and 14)	\$ 1603902	\$ 400976	\$ 400976	\$ 400976	\$ 400974
SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT					
(a) Grant Program	FUTURE FUNDING PERIODS (Years)				
	(b) First	(c) Second	(d) Third	(e) Fourth	
16. SMFCU	\$ 1263074	\$ 1326227	\$ 1392538	\$ 1462165	
17.					
18.					
19.					
20. TOTAL (sum of lines 16 - 19)	\$ 1263074	\$ 1326227	\$ 1392538	\$ 1462165	
SECTION F - OTHER BUDGET INFORMATION					
21. Direct Charges:	A V	22. Indirect Charges:	Provisional; 871,181; 19.2% <span style="float: right;">A V</span>		
23. Remarks:					A V

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OMB Approval No. 4040-0007  
Expiration Date 04/30/2008

**ASSURANCES - NON-CONSTRUCTION PROGRAMS**

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

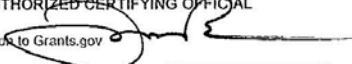
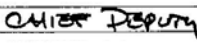

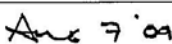
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9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

<p>* SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL</p> <p>Completed on submission to Grants.gov </p>	<p>* TITLE</p> <p></p>
<p>* APPLICANT ORGANIZATION</p> <p></p>	<p>* DATE SUBMITTED</p> <p></p> <p>Completed on submission to Grants.gov</p>

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ATTACHMENT - FRINGE BENEFITS

Part (A) For Benefits Determined as a Percentage of Salaries

<u>DESCRIPTION</u>	<u>PERCENTAGE OF SALARIES</u>
Life and AD and D Ins.	1.000 %
Workers Compensation	0.215 %
Retirement	7.570%
Personnel Comm.	0.570 %
Employment Security	0.120 %
FICA - Employers	7.650 %
Employees - FICA	
 TOTAL PART (A)	 17.125 %
	x \$871,181 = <u>\$149,190</u>

Part (B) For Benefits Determined as a Dollar Amount Per Employee

\$ 194 for family coverage/mo. x 16 employees = \$ 3,104 per mo.  
 \$ 419 for single coverage/mo. x 16 employees = \$ 6,704 per mo.  
 TOTAL PART (B) \$ per mo. x 16 = \$107,264

TOTAL PART (A) + PART (B) = \$ 256,754

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TRAVEL

INTRA-STATE

Routine

Personal Auto Use:

2 Affected employee x 250 miles per employee per week  
x 10 weeks x \$0.505 per mile = \$2,525.00

Per Diem:

4.5 Affected employees x 35 days per year per employee  
x \$109.00 per diem (if "actual expense", this will still  
provide an estimate for budget purposes). \$17,167.00

\$19,692.00

Training

Personal Auto Use:

3 Affected employees x 1 trip(s) per employee  
x 250 mileage per trip x \$0.505 per mile \$379.00

Per Diem:

7 Affected employees x 3 days per year per employee  
x \$109.00 per diem rate \$2,289.00

\$2,668.00

Witness Associated Expenses

5 witnesses x 3 days per witness x \$109.00 per diem rate \$1,635.00

5 witnesses x \$125.00 transportation cost per witness \$625.00

Other \$280.00

\$2,540.00

INTRA-STATE SUBTOTAL

\$24,900.00

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Page 2 - Travel

OUT-OF-STATE

Meetings

<u>1</u> no. of meetings per year per employee x <u>3</u> of affected employees x <u>\$550.00</u> transportation cost per trip	<u>\$1,650.00</u>
<u>3</u> no. of trips per year x <u>5</u> days per trip <u>\$108.00</u> per diem rate	<u>\$1,620.00</u>
	<u>\$3,270.00</u>

Training

<u>1</u> no. of trips per year per employee x <u>10</u> of affected employees x <u>\$500.00</u> transportation cost per trip	<u>\$5,000.00</u>
<u>10</u> no. of trips per year x <u>5</u> days per trip <u>\$100.00</u> per diem rate	<u>\$5,000.00</u>
	<u>\$10,000.00</u>

Witness Associated Expenses

<u>3</u> witnesses x <u>2</u> days per witness x <u>\$150</u> per diem rate	<u>\$900.00</u>
<u>3</u> witnesses x <u>\$500</u> transportation cost per witness	<u>\$1,500.00</u>
Other	<u>\$ 80.00</u>
	<u>\$ 2,480.00</u>

OUT-OF-STATE SUBTOTAL \$15,750.00

TOTAL INTRA-STATE & OUT-OF-STATE \$40,650.00

**APPENDIX A**  
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**EQUIPMENT**

**EXPLANATION:**

Per 45 CFR 92.3, Equipment means tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. An organization may use its own definition of equipment, provided that such definition would at least include all equipment defined above.

Justification in narrative form must be provided for all equipment items. This may be as short as one sentence (e.g. associated desks for new employee, typewriters for new secretary, etc.)

**EQUIPMENT LISTING**

ITEM #	ITEM	QUANTITY	UNIT COST	COST
1	Vehicle	1	\$19,000.00	\$19,000.00
			<b>TOTAL</b>	<b>\$19,000.00</b>

**JUSTIFICATION NARRATIVE**

**Item# 1** – Due to the increase in staff, new vehicle will need to be purchased.

**APPENDIX A**  
**OFFICE OF THE KANSAS ATTORNEY GENERAL**  
**MEDICAID FRAUD AND ABUSE DIVISION**  
**FY 2010 BUDGET**

**SUPPLIES**

Provide components of supply cost, where practicable, such as postage, office consumables, etc. If another basis is used please explain.

ITEM #	DESCRIPTION	BUDGETED AMOUNT
1	Office Supplies	\$8,000.00
2	Postage and Freight	\$1,500.00
3	Printing	\$3,500.00
4	Agent Supplies/Equipment	\$8,500.00
5	Professional Supplies	\$ 5,000.00
6	Computer Supplies/Other	\$ 29,000.00
7	Vehicle Fuel	\$ 6,000.00
	<b>TOTAL</b>	<b>\$ 61,500.00</b>

**APPENDIX A**  
**OFFICE OF THE KANSAS ATTORNEY GENERAL**  
**MEDICAID FRAUD AND ABUSE DIVISION**  
**FY 2010 BUDGET**

**CONTRACTUAL SERVICES**

Provide components, with some detail, of contractual costs. This should include: rent, machine or equipment leases (including auto), security system contract, etc.

DESCRIPTION	MONTHLY FEE	TOTAL AMOUNT
Office space rental	\$8,333.33	\$100,000.00
Copier lease and maintenance	\$275.00	\$3,300.00
Telephone long distance charges	\$583.33	\$7,000.00
Internet Access Charge - \$48.00 per month per connection x 14 connections	\$666.66	\$8,000.00
Computer Connection Charges: Data Service Fees	\$250.00	\$3,000.00
Verizon Cell Phones	\$1,041.66	\$12,500.00
Vehicle Liability Ins Premium (4 vehicles) <sup>1</sup>	\$125.00	\$1,500.00
Building Security	\$41.66	\$500.00
Dell Computer Lease <sup>2</sup>	\$0.00	\$0.00
Subscriptions	\$300.00	\$3,600.00
Membership/Licensing Fees	\$812.50	\$9,750.00
Shredding Services	\$83.33	\$1,000.00
Parking Fees	\$333.33	\$4,000.00
Expert Services (Not Travel)	\$125.00	\$1,500.00
Conference Calls	\$12.50	\$150.00
	<b>TOTAL</b>	<b>\$ 153,300.00</b>

<sup>1</sup>The state of Kansas abolished its Central Motor Pool several years ago. The maintenance and liability insurance coverage for the vehicles remain the exclusive responsibility of the Unit. The budgeted operating cost of these vehicles is detailed in the "Travel" portion of this budget. Currently, the Unit must "self-insure" for collision and comprehensive coverages.

<sup>2</sup>MFCU share of AG Office Dell lease for 12 computers.



**APPENDIX A**  
**OFFICE OF THE KANSAS ATTORNEY GENERAL**  
**MEDICAID FRAUD AND ABUSE DIVISION**  
**FY 2010 BUDGET**

OTHER

Provide listing and associated estimates of all other costs with appropriate clarification. This should include: utilities, advertising, maintenance and repairs, expert witness fees (other than travel), reference materials, miscellaneous court costs, etc.

ITEM #	DESCRIPTION	TOTAL AMOUNT
1	Litigation Expenses	\$3,500.00
2	Investigative Expenses	\$20,000.00
3	Equipment Servicing	\$750.00
4	Conference Registration Fees	\$6,000.00
5	Vehicle Maintenance/Repair	\$4,000.00
	<b>TOTAL</b>	<b>\$34,250.00</b>

**APPENDIX A**  
**OFFICE OF THE KANSAS ATTORNEY GENERAL**  
**MEDICAID FRAUD AND ABUSE DIVISION**  
**FY 2010 BUDGET**

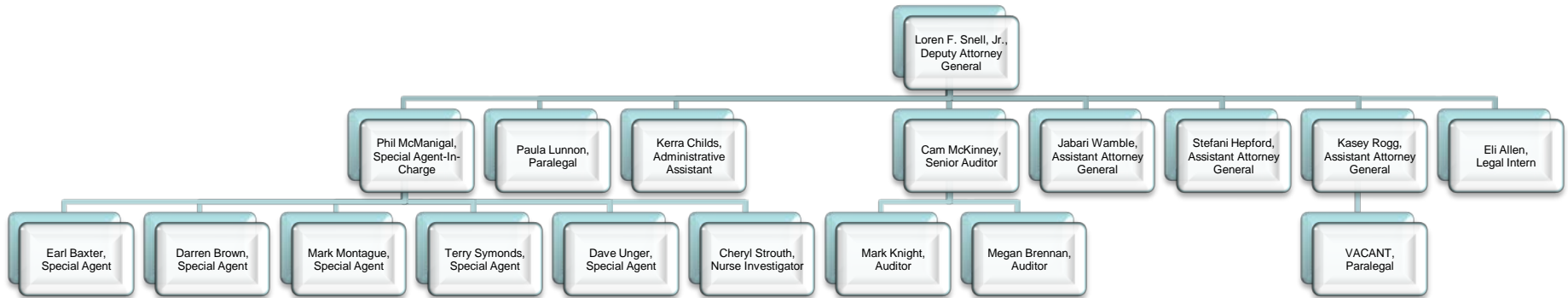
**INDIRECT COSTS**

Please provide a copy of negotiated agreement of status of application time requirement (See Circular No. 6 to Fraud Units dated September 12, 1980).

TOTAL SALARIES FYE 09/30/2010	\$ 871,181
INDIRECT COST RATE	19.2 %
TOTAL INDIRECT COST	\$ 167,267
FEDERAL SHARE OF INDIRECT COST (75 %)	\$ 125,450

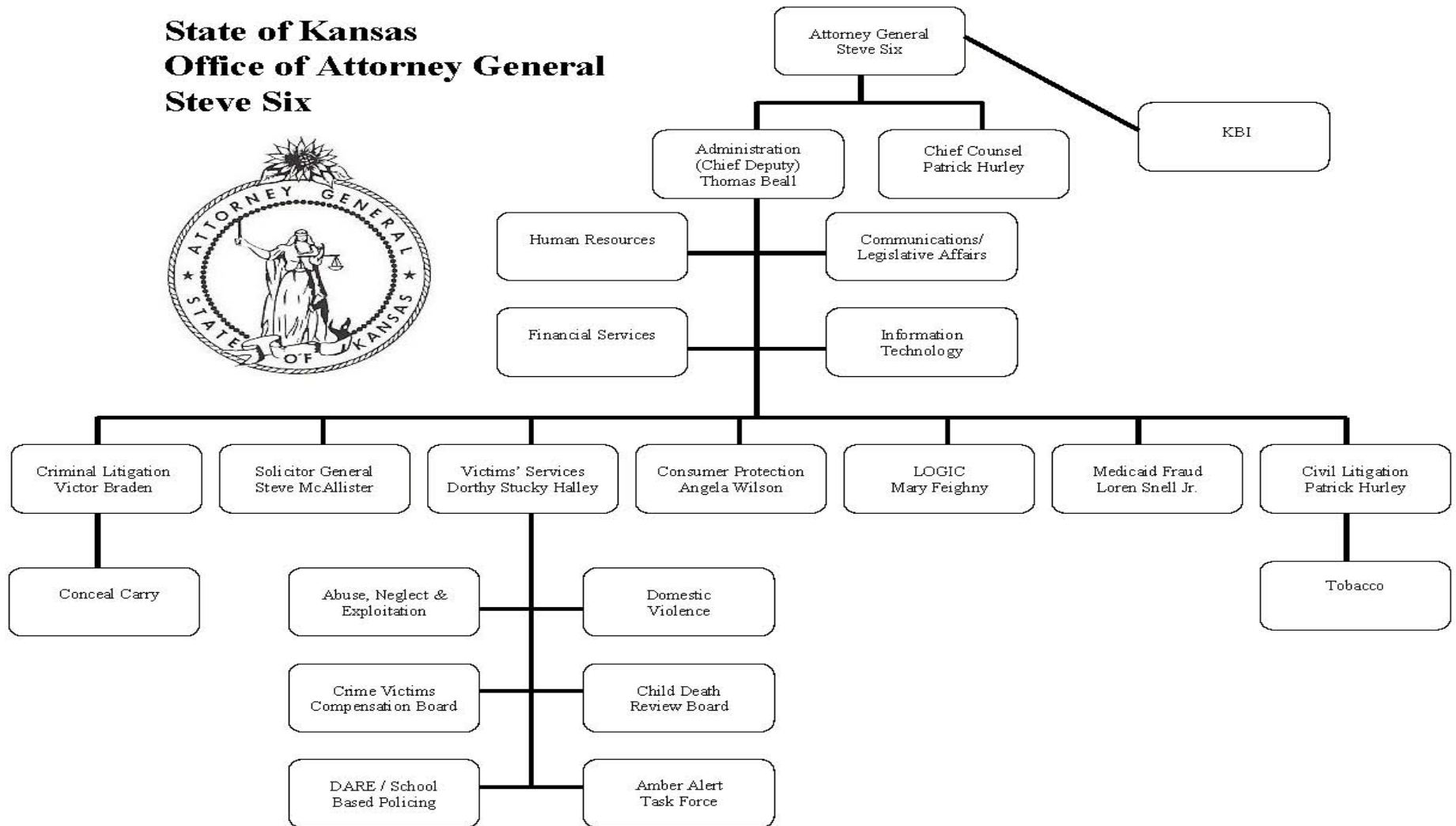
Appendix B  
Kansas Attorney General's Office  
Medicaid Fraud and Abuse Division  
Organization Chart

Updated August 27, 2010



## Appendix B Organizational Chart

**State of Kansas  
Office of Attorney General  
Steve Six**



**APPENDIX C**  
**OFFICE OF THE KANSAS ATTORNEY GENERAL**  
**MEDICAID FRAUD AND ABUSE DIVISION**

**TRAINING 7/1/2009 – 6/30/2010**

<b>ATTENDEE</b>	<b>DATE</b>	<b>TRAINING &amp; SPONSOR</b>	<b>LOCATION</b>	<b>TOTAL HOURS</b>	<b>ETHICS</b>
<b>Loren F. Snell, Jr.</b>	8/25-26/09	Protecting Vulnerable Adults, KS AG's Office, KS Dept on Aging, KS Dept of Social and Rehabilitation Services, EPCOR	Topeka, KS	7.25	
	9/14-17/09	NAMFCU 2009 Annual Conference	Louisville, KY	13.5	
	2/4/10	Kansas Attorney General's Call	Topeka, KS	2.0	1.0
	5/13/10	2010 Annual Labor and Employment Seminar, Spencer Fane Law Firm	Overland Park, Kansas	6.0	
	5/26/10	Kansas Attorney General's CLE Seminar	Topeka, KS	1.0	1.0
<b>Jabari Wamble</b>	9/14-17/09	NAMFCU 2009 Annual Conference	Louisville, KY	13.5	
	2/4/10	Kansas Attorney General's Call	Topeka, KS	5.0	2.0
<b>Stefani Hepford</b>	2/4/10	Kansas Attorney General's Call	Topeka, KS	5.0	2.0
	5/26/10	Kansas Attorney General's CLE Seminar	Topeka, KS	1.0	1.0

**APPENDIX C**  
**OFFICE OF THE KANSAS ATTORNEY GENERAL**  
**MEDICAID FRAUD AND ABUSE DIVISION**

**TRAINING 7/1/2009 – 6/30/2010**

ATTENDEE	DATE	TRAINING & SPONSOR	LOCATION	TOTAL HOURS	ETHICS
<b>Phil McManigal</b>	08/14/09	3 <sup>rd</sup> Qtr Firearms Qualifications	Perry, KS	2.0	
	08/14/09	Glock Pistol Function Checks	Perry, KS	0.5	
	09/22 – 09/24, 2009	The 7 Habits for Law Enforcement	North Platte, NE	19.5	
	11/18 – 11/19, 2009	2009 In-Service Training Seminar	Topeka, KS	13.5	
	03/24 – 03/25, 2010	NAMFCU Director's Symposium	Washington DC	10.0	
	05/18/10	Search and Seizure	Lawrence, KS	3.0	
	05/18/10	Crime Scenes	Lawrence, KS	3.0	
	06/18/2010	2 <sup>nd</sup> Qtr Firearms Qualifications	Topeka, KS	2.5	
<b>Earl Baxter</b>	7/22/09	Combating Fraud, EPCOR, IAFCI, KS AG & KS RGC	Topeka, KS	8.0	
	08/14/09	3 <sup>rd</sup> Qtr Firearms Qualifications	Perry, KS	2.0	
	08/14/09	Glock Pistol Function Checks	Perry, KS	0.5	
	11/18 – 11/19, 2009	2009 In-Service Training Seminar	Topeka, KS	13.5	

**APPENDIX C**  
**OFFICE OF THE KANSAS ATTORNEY GENERAL**  
**MEDICAID FRAUD AND ABUSE DIVISION**

**TRAINING 7/1/2009 – 6/30/2010**

ATTENDEE	DATE	TRAINING & SPONSOR	LOCATION	TOTAL HOURS	ETHICS
	02/23/10	Detecting Deception & Patient Interviewing Techniques	Topeka, KS	2.0	
	03/26/10	Statement Analysis	Topeka, KS	7.0	
	06/16-06/17, 2010	2010 KS Capital City Fraud Conference	Topeka, KS	14.5	
	06/18/2010	2 <sup>nd</sup> Qtr Firearms Qualifications	Topeka, KS	2.5	
<b>Darren Brown</b>	7/22/09	Combating Fraud, EPCOR, IAFCI, KS AG & KS RGC	Topeka, KS	8.0	
	08/14/09	3 <sup>rd</sup> Qtr Firearms Qualifications	Perry, KS	2.0	
	08/14/09	GLOCK Pistol Function	Perry, KS	0.5	
	11/18 – 11/19, 2009	2009 In-Service Training Seminar	Topeka, KS	13.5	
	12/01 – 12/03, 2009	Elder Abuse Symposium	Anaheim, CA	14.25	
	02/23/10	Detecting Deception & Patient Interviewing Techniques	Topeka, KS	2.0	
	06/16/2010	2010 KS Capital City Fraud Conference	Topeka, KS	7.25	
	06/18/2010	2 <sup>nd</sup> Qtr Firearms Qualifications	Topeka, KS	2.5	

**APPENDIX C**  
**OFFICE OF THE KANSAS ATTORNEY GENERAL**  
**MEDICAID FRAUD AND ABUSE DIVISION**

**TRAINING 7/1/2009 – 6/30/2010**

ATTENDEE	DATE	TRAINING & SPONSOR	LOCATION	TOTAL HOURS	ETHICS
<b>Mark Montague</b>	7/22/09	Combating Fraud, EPCOR, IAFCI, KS AG & KS RGC	Topeka, KS	8.0	
	08/14/09	3 <sup>rd</sup> Qtr Firearms Qualifications	Perry, KS	2.0	
	08/14/09	Glock Pistol Function Checks	Perry, KS	0.5	
	11/18 – 11/19, 2009	2009 In-Service Training Seminar	Topeka, KS	7.5	
	12/01 – 12/03, 2009	Elder Abuse Symposium	Anaheim, CA	14.25	
	03/26/10	Statement Analysis	Topeka, KS	7.0	
	05/18/10	Search and Seizure	Lawrence, KS	3.0	
	05/18/10	Crime Scenes	Lawrence, KS	3.0	
	05/19/10	Homicide Investigations	Lawrence, KS	7.0	
	06/16/2010	2010 KS Capital City Fraud Conference	Topeka, KS	14.50	
	06/18/2010	2 <sup>nd</sup> Qtr Firearms Qualifications	Topeka, KS	5.0	
<b>Terry Symonds</b>	02/23 – 02/25	Medicaid Fraud 101 Training	Santa Fe, NM	19.0	
	08/14/09	3 <sup>rd</sup> Qtr Firearms Qualifications	Perry, KS	2.0	
	08/14/09	Glock Pistol Function Checks	Perry, KS	0.5	



**APPENDIX C**  
**OFFICE OF THE KANSAS ATTORNEY GENERAL**  
**MEDICAID FRAUD AND ABUSE DIVISION**

**TRAINING 7/1/2009 – 6/30/2010**

ATTENDEE	DATE	TRAINING & SPONSOR	LOCATION	TOTAL HOURS	ETHICS
	11/18 – 11/19, 2009	2009 In-Service Training Seminar	Topeka, KS	13.5	
	06/18/2010	2 <sup>nd</sup> Qtr Firearms Qualifications	Topeka, KS	2.5	
<b>Cheryl Strouth</b>	03/26/10	Statement Analysis	Topeka, KS	7.0	
<b>Mark Knight</b>	12/17/09	Provider	EDS	1.0	
	01/20/10	Beneficiary SubSystem	EDS	1.0	
	01/20/10	Claims SubSystem	EDS	1.5	
	01/21/10	Prior Authorization SubSystem	EDS	1.0	
	01/21/10	Reference SubSystem	EDS	1.0	
	01/22/10	Decision Support Software	EDS	2.5	
	02/23 – 02/25	Medicaid Fraud 101 Training	Santa Fe, NM	19.0	
<b>Cam McKinney</b>					
<b>Megan Brennan</b>	7/27/09	Coding for Health Care Fraud Investigator, National Health Care Anti-Fraud Association	Online Course	N/A	N/A
	09/28-09/29, 2009	2009 Annual Fraud Conference	Council Bluffs, IA	16.0	

**APPENDIX C**  
**OFFICE OF THE KANSAS ATTORNEY GENERAL**  
**MEDICAID FRAUD AND ABUSE DIVISION**

**TRAINING 7/1/2009 – 6/30/2010**

ATTENDEE	DATE	TRAINING & SPONSOR	LOCATION	TOTAL HOURS	ETHICS
	12/10/09	Contact Tracking Mgmt System	EDS	1.0	N/A
	12/08/09	Claims	EDS	1.0	
	12/10/09	Managed Care Subsystem	EDS	1.0	
	12/17/09	Provider	EDS	1.0	
	01/20/10	Beneficiary SubSystem	EDS	1.0	
	01/20/10	Claims Subsystem	EDS	1.5	
	01/21/10	Prior Authorization SubSystem	EDS	1.0	
	01/21/10	Reference SubSystem	EDS	1.0	
	01/22/10	Decision Support Software	EDS	2.5	
	03/2-6/10	Medicaid Fraud 102 Training	Boise, ID	24.0	
<b>Paula Lunnon</b>	02/7-10/10	Sanction	Tempe, AZ	13.0	
<b>Kerra Childs</b>	06/14 – 06/15, 2010	2010 KCJIS Conference	Hutchinson KS	13.0	
	03/01/10	Intro to SMART	Online Class	N/A	
	04/01/10	Navigating in SMART	Online Class	N/A	
	04/01/10	Intro to Accounts Payable	Online Class	N/A	
	05/01/2010	Intro to General Ledger	Online Class	N/A	
	05/01/2010	Intro to Accounts Receivable	Online Class	N/A	
	05/01/2010	Intro to Reporting	Online Class	N/A	
	05/01/2010	Intro to Business Reporting	Online Class	N/A	

**APPENDIX C**  
**OFFICE OF THE KANSAS ATTORNEY GENERAL**  
**MEDICAID FRAUD AND ABUSE DIVISION**

**TRAINING 7/1/2009 – 6/30/2010**

<b>ATTENDEE</b>	<b>DATE</b>	<b>TRAINING &amp; SPONSOR</b>	<b>LOCATION</b>	<b>TOTAL HOURS</b>	<b>ETHICS</b>
	05/01/2010	Travel & Expense	Online Class	N/A	
	05/07/2010	Voucher Processing	Topeka, KS	6.0	
	06/24/10	Processing Interfund Transactions	Topeka, KS	4.0	
	07/15/2010	Creating & Maintaining Deposits	Topeka, KS	4.0	

**APPENDIX D**  
**OFFICE OF THE KANSAS ATTORNEY GENERAL**  
**MEDICAID FRAUD AND ABUSE DIVISION**

**PRESENTATIONS 7/1/2009 – 6/30/2010**

<b>PRESENTER</b>	<b>DATE</b>	<b>EVENT</b>	<b>TITLE</b>	<b>PEOPLE</b>
Phil McManigal	7/28/09	Kansas Social and Rehabilitation Services, Adult Protective Services Training Program, Topeka, KS	Financial and Physical Abuse Referrals	60
Loren Snell	7/30/09	Mainstream, Inc., and Kansas Department on Aging, Parsons, KS	Financial Exploitation...More Than Just a Civil Matter!	36
Loren Snell	8/21/09	Kansas Adult Care Executives Association 37 <sup>th</sup> Annual Convention, Wichita, KS	Mistreatment of Dependent Adults	123
Loren Snell	8/25/09	Protecting Vulnerable Adults, Topeka, KS	Mistreatment of Dependent Adults	18
Loren Snell	10/13/09	Kansas Health Care Association, Annual Conference, Wichita, KS	Medicaid Fraud and Abuse	52
Loren Snell	10/22/09	3 <sup>rd</sup> Annual Caregiving Across the Ages Conference and Tradeshow, Topeka, KS	Mistreatment of Dependent Adults, Financial Exploitation	21

**APPENDIX D**  
**OFFICE OF THE KANSAS ATTORNEY GENERAL**  
**MEDICAID FRAUD AND ABUSE DIVISION**

**PRESENTATIONS 7/1/2009 – 6/30/2010**

Loren Snell	2/4/10	2010 Kansas Attorney General's Call, Topeka, KS	Primer on the New Kansas False Claims Act	80+
Loren Snell	2/4/10	2010 Kansas Attorney General's Call, Topeka, KS	Medicaid Fraud and Abuse Division of the Kansas Attorney General's Office	40+
Loren Snell	3/11/10	Elder Abuse Seminar, El Dorado, KS	Undue Influence and Financial Exploitation of the Elderly	46
Loren Snell	3/24/10	Kansas Adult Care Executives, Topeka, KS	Undue Influence and Financial Exploitation of the Elderly	84
Loren Snell	4/2/10	Creating Collaborations to Address the Community Issues of Hoarding and Financial Exploitation of the Elderly, Topeka, KS	Crimes Against the Elderly	125
Loren Snell	4/2/10	Creating Collaborations to Address the Community Issues of Hoarding and Financial Exploitation of the Elderly, Topeka, KS	Undue Influence and Financial Exploitation of the Elderly	125
Loren Snell	4/15/10	Medicaid Training Program, Kansas	Medicaid Fraud and Abuse	24

**APPENDIX D**  
**OFFICE OF THE KANSAS ATTORNEY GENERAL**  
**MEDICAID FRAUD AND ABUSE DIVISION**

**PRESENTATIONS 7/1/2009 – 6/30/2010**

		Health Policy Authority, Topeka, KS		
Loren Snell	6/15/10	World Elder Abuse Awareness Day, Topeka, KS	Abuse, Neglect and Exploitation of the Elderly	13
Stefani Hepford	6/21/10	Kansas Department of Health and Environment Training Program, Topeka, KS	Medicaid Fraud and Abuse Division of the Kansas Attorney General's Office	12
Stefani Hepford and Phil McManigal	6/23/10	Kansas Area Agencies on Aging, Hays, KS	Preventing Financial Abuse and Exploitation	26