



DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF INSPECTOR GENERAL

WASHINGTON, DC 20201



January 25, 2019

The Honorable Keith Ellison
Office of Attorney General
445 Minnesota Street, Suite 1400
St. Paul, MN 55101-2131

Attn: Director, Medicaid Fraud Control Unit

Dear Mr. Attorney General:

By letter dated December 28, 2016, the U.S. Department of Health and Human Services, Office of Inspector General (OIG), informed the Attorney General of Minnesota that the Minnesota False Claims Act, Minn. Stat. §§ 15C.01 through 15C.16, no longer met the requirements of section 1909 of the Social Security Act (Act) that would enable the State of Minnesota to receive a ten-percentage-point increase in the recovery of the State share of Medicaid funds. As background, section 1909 of the Act provides a financial incentive for a State to enact a law imposing liability for the submission of false or fraudulent claims to the State Medicaid program. For a State to qualify for this incentive, the State law must meet certain requirements enumerated under section 1909(b) of the Act, as determined by OIG in consultation with the U.S. Department of Justice (DOJ).

OIG granted Minnesota a grace period, ending December 31, 2018, to amend the Minnesota False Claims Act and resubmit it to OIG for approval. Until December 31, 2018, Minnesota continued to qualify for the incentive under section 1909 of the Act. OIG has not yet received a submission with an amended Minnesota False Claims Act that satisfies the requirements of section 1909 of the Act. Therefore, effective January 1, 2019, Minnesota will no longer receive the financial incentive authorized under section 1909 of the Act.

Should Minnesota's False Claims Act be amended in the future, please submit it to OIG for our review and consultation with DOJ. If approved, Minnesota will again be entitled to receive the section 1909 financial incentive at that time.

If you have any questions regarding this review, please contact me or have your staff contact Lisa Veigel or Katie Arnholt at 202-619-0335.

Sincerely,

/s/ Daniel R. Levinson

Daniel R. Levinson
Inspector General