



Illegal Dental Solicitation

How to avoid illegally soliciting clients who have Medicaid.

OIG Fraud Hotline: 800-436-6184

OIG Fraud Website: Reporttexasfraud.com

Prohibited Activities

Dental providers are prohibited from offering cash, gifts or other items to people who have Medicaid in order to influence their health care decisions. Providers may not offer, and clients may not accept:

- Cash, cash equivalents or gift cards in any amount.
- Transportation unless it's properly arranged with the client's managed care organization or the Texas Health and Human Services Commission.
- Free or discounted services for a family member to influence their health care decisions.

Providing goods or services of any value could be considered a violation, but that would typically not be the case for non-cash, low-cost items such as a toothbrush valued less than \$10.

Office of Inspector General Investigations

The Office of Inspector General (OIG) may investigate improper gifts to potential clients, including providers who hire people to canvass neighborhoods looking for Medicaid-eligible children and pay drivers to transport children for Medicaid services. The OIG may also investigate providers who advertise free transportation on their website.

Fighting Fraud, Waste, and Abuse

The OIG enforces Texas Administrative Code (TAC) §371.1669, which prohibits a person from offering any payment that may influence a potential client's selection of a Medicaid service provider.

If a provider solicits Medicaid clients, the provider may be found guilty of a Class A misdemeanor and a third-degree felony if the dentist was previously convicted of illegal dental solicitation or was employed by the federal, state or local government at the time. The provider may be subject to disciplinary action by the Texas State Board of Dental Examiners, an injunction, civil penalties of up to \$10,000 and possible exclusion as a provider. *

About the Office of Inspector General

The office's vision is promoting the health and safety of Texans by protecting the integrity of state health and human services delivery. Our mission is to prevent, detect, audit, inspect, review and investigate fraud, waste, and abuse in the provision and delivery of all state health and human services, and enforce state law related to provision of those services.

This material is provided for general informational purposes only and is not intended to present an official position of the OIG or legal advice. The facts and circumstances of any question should be evaluated independently.

*Texas Occupations Code, Sec. 102.001, 102.009, 102.010

