Illegal Dental Solicitation

Office of Inspector General

November 19, 2021
OIG Overview

What is fraud, waste and abuse?
Office of Inspector General

Created in 2003, the Office of Inspector General is legislatively tasked with prevention, detection, audit, inspection, review, and investigation of fraud, waste, and abuse in the Texas Health and Human Services System.
VISION

Promoting the health and safety of Texans by protecting the integrity of state health and human services delivery.

MISSION

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 the provision of those services.
What is Fraud?

Definition:

**Fraud**

Any act that constitutes fraud under federal or state law, including any intentional dishonesty or misrepresentation made by a person who knew the deception could cause unapproved benefit for themselves or another person.
What is Waste?

Definitions:

Waste

Any practice a sensible person would consider careless or would cause excessive use of resources, items, or services.
What is Abuse?

Definitions:

Abuse

Any practice inconsistent with proper fiscal, business or medical practices and causes unnecessary program cost.
FWA Examples

- Overcharging for services, supplies
- Providing services when not medically indicated
- Providing sub-standard services
- Missing doctor authorization for providing equipment
- Unnecessary hospital readmissions due to failure of care coordination
- Insufficient contract oversight
- Billing at a higher reimbursement rate than the service provided
- Billing for services not rendered
- Misrepresenting a need for services (e.g., diagnosis)
- Falsifying documents (e.g., photocopied doctor signatures, cloned notes, timesheets)
FWA Prevention & Detection

Risk Mitigation
Data Analysis & Referral
Feedback Loop
OIG Tools
OIG Response
Detection & Observation

Prevention
Response
Detection

Stakeholders
Providers
Health and Human Services
Contractors
Agency Staff
Department of Family and Protective Services
Client
Reporting to OIG

OIG has several ways to report fraud, waste, and abuse:

OIG Website
ReportTexasFraud.com

OIG Fraud Hotline
1-800-436-6184

OIG Mailing Address
Office of Inspector General
Attn: Fraud Hotline
MC 1300
PO Box 85200
Austin, Texas 78708-5200
Illegal Dental Solicitation

Prevention Through Provider Education
Illegal Dental Solicitation

Dental providers cannot offer cash, gifts, or other items to Medicaid recipients to influence their health care decisions, such as:

- Cash, cash equivalents or gifts cards in any amount
- Non-cash, low-cost items such as a toothbrush, typically aren’t considered a violation
- Transportation unless arranged through the client’s managed care organization or the Texas Health and Human Services Commission
- Free or discounted services for a family member

*Texas Administrative Code (TAC) §371.1669*
Dental Solicitation Details

A marketer offers a Medicaid recipient cash or a gift card to see the dentist that hired them.

• The Medicaid recipient typically doesn’t have contact with the dentist’s office until the day of the appointment.

• The marketer schedules the appointment and tells the recipient where to go.
Marketers target individuals at shopping centers, daycare facilities, at home, or through social media.

• If an individual is not a Medicaid recipient, marketers might offer gift cards for referring children or others who have benefits.

• Individuals are often targeted around the holidays or before the new school year starts.
OIG Investigations

The OIG may investigate improper gifts to potential clients, including providers who:

• Hire marketers looking for Medicaid recipients
• Pay drivers to transport Medicaid recipients for services
• Advertise free transportation on their websites
Potential Penalties

Providers who solicit Medicaid clients face potential penalties including:

• Disciplinary action by the Texas State Board of Dental Examiners
• Injunction
• Administrative penalties
• Possible exclusion as a provider
• Criminal conviction
  • Class A misdemeanor
  • 3rd degree felony under certain circumstances

OIG Fraud Hotline: 800-436-6184
Thank you

To learn more about the Office of Inspector General:

Website: ReportTexasFraud.com

Facebook: TxOIG
Twitter: TexasOIG
LinkedIn: hhsc-office-of-inspector-general

Main number: 512-491-2000

Fraud hotline: 800-436-6184