

Law Office Of Inna Fershteyn

# THE COMPLETE GUIDE TO PROTECTING YOURSELF WHEN UNDER A MEDICAID FRAUD INVESTIGATION



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# WHAT IS MEDICAID FRAUD?

Medicaid fraud is billing for services not provided, performing unnecessary tests, unnecessary referrals, and charging separately for services usually offered at a packaged rate. Anyone who received Medicaid illegally is subject to investigation. If you received a letter from NYC HRA stating that your eligibility for medical health insurance is under review, you may actually be investigated for Medicaid fraud.



# WHY IS MY MEDICAID FRAUD CASE FLAGGED?

Most Medicaid fraud cases in NYC are flagged because of the recipients' failure to disclose the full household income on his or her application/ recertification(s) or failure to update the agency about an increase in income. Many people who receive Medicaid are investigated for fraud because they didn't disclose:

1. Their real earned income;
2. The income of people who live with them or whom they have children with; Or
3. Their unearned income (rental income, gifts, support, gains from stocks, interests, etc.).

## 6 RED FLAGS IN A MEDICAID FRAUD INVESTIGATION

**1** OWNING A NEW OR EXPENSIVE CAR



**2** PAYING A HIGH MORTGAGE OR RENT



**3** NOT RECEIVING FOOD STAMPS OR GOVERNMENT AID



**4** HAVING UNDISCLOSED TENANTS LIVING IN YOUR RESIDENCE



**5** RECEIVING FINANCIAL ASSISTANCE FROM OTHERS



**6** BEING EMPLOYED BY NEW YORK CITY OR STATE AGENCIES



# SOME SCENARIOS

**My application was completed by an enrollment agent and he/she told me it is ok to lie. Am I still liable?**

The recipient is always responsible for the information provided on Medicaid or Family Health Plus applications. On the application you signed your name under penalty of perjury and confirmed all information provided is true. The enrollment agent has no liability for incorrect information provided on your application.

**I received a letter from HRA Medicaid fraud investigation. What does it mean?**

When you receive a letter from HRA, in most cases, it means that there is an open investigation case going on and that investigator believes that you are or, at some point, were not eligible for Medicaid/Family Health Plus insurance.

**I received a letter from NY Food Stamp HRA investigation regarding my SNAP Benefits, what does it mean and what should I do?**

The letter could come from 375 Pearl Street, 22nd Floor, NY NY 10038 and will ask you to come in and prove that your SNAP benefits application listed your correct address, correct income, you didn't make any cash bank deposits, you don't own any properties aside from personal residence and you listed ALL the members of your household on your application, including your boyfriends and girlfriends, even if you are not legally married and even if they are not the parents of your kids. If you fail to respond to HRA Medicaid fraud investigation letter, your case will be immediately forwarded to Brooklyn or Manhattan or Staten Island District Attorney's office for further investigation, charges and possible arrest. Do not go to the HRA SNAP benefits investigation office without your attorney as everything that you say will be used against you. If you hire NY Medicaid fraud attorney he will appear in HRA SNAP office on your behalf and your presence will not be required.



# WHAT SHOULD I DO AFTER I RECEIVE THE LETTER FROM HRA MEDICAID FRAUD INVESTIGATION?

If your letter says that you have a scheduled date to meet with the HRA investigator, do not plan on going there by yourself. In most cases, when the investigator is asking you to come in person he or she already collected evidence proving that you were not eligible for Medicaid or Family Health Plus benefits. Most investigators have completed the "field visit" and have visited the place where you said you lived on your application, spoke to your neighbors and took pictures of you shopping in the supermarket. If you filed with an incorrect address or you did not list all the people residing in your household or you stated that you are separated from your husband and in fact you live together, your case will be immediately forwarded for criminal prosecution. If you appear on the interview by yourself or hire incompetent Medicaid fraud attorney to represent you, you will be putting yourself in grave danger by answering investigator's questions, directly and disclosing information which may not have been available to the investigator before. It is extremely important that you hire a criminal defense attorney with many years of experience representing clients in front of Medicaid fraud investigation office and in front of the DA's office so you can avoid appearing at the fraud interview altogether.

## Medicaid Fraud Attorney



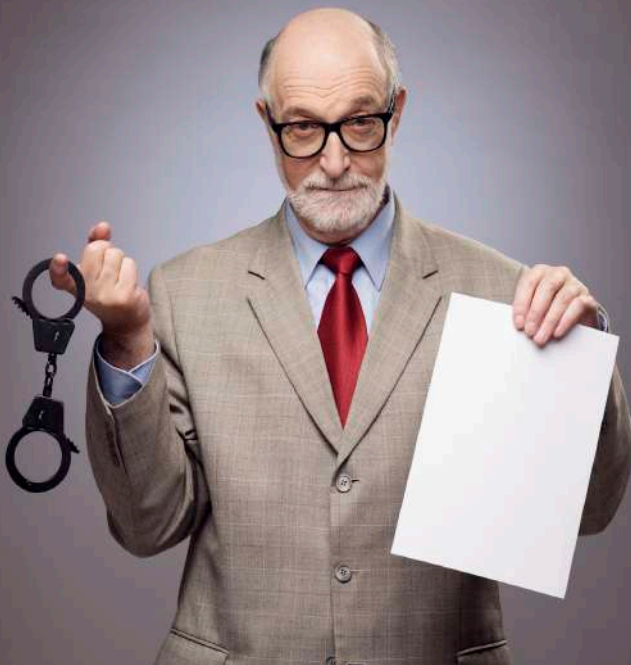
718-333-2394

# KNOW YOUR RIGHTS

You have a right to legal representation and can bring an attorney to the initial meeting with the investigator, or have a consultation with a qualified Medicaid Fraud attorney prior to such meeting. You have a right not to answer any questions at the meeting with the investigator and if there is any potential for criminal prosecution you can, pursuant to 5th Amendment, remain silent. But best is to hire an experienced fraud attorney with many good reviews ahead of time and avoid personal appearance at the Medicaid fraud interview altogether.

**DO NOT WAIT  
UNTIL AFTER THE  
INITIAL MEETING  
TO HIRE AN  
ATTORNEY!!**

Any information you provide to the investigator, including any documents that they request from you in the letter will be used against you during the investigation. Remember that when scheduling an appointment with you, the investigator has already collected pertinent information including photographs of the cars you and your spouse drive, your bank account statements, your pay checks from your employer as well as interviews with your neighbors.



# CONSEQUENCES

The consequences may vary depending on the outcome of the investigation. If the case has no criminal allegations, it may end up in full restitution of premiums paid on yours and your family during the time that you were ineligible for the benefits. Additional monetary penalties, including interest may be imposed on you after the investigation is complete. If the case ends up in civil court the judgement can be attached against your assets and a lien can be placed on your real estate and personal property, including garnishments of your wages. In the worst case scenario, if criminal charges are brought against you, you can end up with a prison sentence, lose your professional license or be deported if you do not are not a citizen. You may end up with felony conviction and probation as well as large restitution. Hiring the best criminal defense attorney specializing in Medicaid fraud is the key for winning the Medicaid fraud investigation case.

## MY OPTIONS

The earlier you start dealing with this matter the greater chance you have to negotiate a settlement. Seek professional help from an experienced Medicaid fraud attorney who knows when the best time to ask for a settlement is and how to negotiate Medicaid settlement amount down.

## 5 CRIMINAL FINES FOR MEDICAID FRAUD

- Jail Time:**  
It is very possible that a Medicaid fraud conviction can bring about a jail sentence.



- Fines:**  
If convicted you must pay a sizable fine.



- Probation:**  
Those convicted will have to abide by all probationary requirements, which usually include regularly attending probation meetings.



- Restitution:**  
Restitution is perhaps one of the more straightforward penalties involved in Medicaid fraud cases.



- Treble Damages:**  
The damages owed are calculated by taking the amount of money fraudulently received from the government as reimbursement and multiplying it by three.



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**CALL US: 718-333-2394**



# FREQUENTLY ASKED QUESTIONS

How will the investigation be conducted by the HRA?

Investigators at HRA office have access to many different databases, including DMV, NYS Real Estate, NYS Division of Corporations and many more. Also, investigators can personally visit your house and speak to your neighbors to verify your residency address and will send a request to your employer to find out your actual earned income. Investigators will wait for you outside your residence and take pictures of your cars parked in the driveway, see who takes your kids to school in the morning and take pictures of you doing grocery shopping. If you live in NJ but filed for Medicaid in NY, investigators will take pictures of you shopping in NJ to prove that you used your SNAP benefits in a different state. They will speak to your child's school to see where your kids reside and where they go to school.

What are the goals of a Medicaid fraud investigator?

Initially investigators begin with review of the applications for the welfare programs that HRA administers, including public assistance, food stamps, Medicaid and others. Investigator's goal is to determine whether the applicants were eligible for the benefits they applied for. During the fraud interview the goal of the fraud investigators is catch you in a lie and to prove that you were ineligible for benefits. A SNAP and Medicaid benefits fraud attorney can assist you in preparation for this investigation interview and to attend it on your behalf.

What is the difference between Medicaid and Family Health Plus?

Medicaid is a program involving federal government and every state individually to provide health insurance to people with low income.

Family Health Plus - is the program for people between the ages 19 and 64 who are not eligible for Medicaid and have no other means to obtain health insurance.

Child Health Plus - is a subsidized program that will provide health coverage for children up to 18 years old.



# HIRE AN ATTORNEY

At the Law Office of Inna Fershteyn and Associates, P.C. we provide immediate representation for all Medicaid Fraud Investigation cases to avoid criminal prosecution and explain what you should do if you are targeted by the Medicaid Fraud Investigation. With over 200 Five Star Reviews attorney Inna Fershteyn is the leading NY Medicaid fraud defense attorney who helped thousands of clients avoid criminal prosecution and successfully settle Medicaid fraud investigation case against them.



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