



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Acting Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

March 2, 2015

Mr. Brian Mason
Assistant Comptroller
NYS Office of the State Comptroller
110 State Street, 10th Floor
Albany, New York 12236

Dear Mr. Mason:

Pursuant to the provisions of Section 170 of New York State Executive Law, I hereby transmit to you a copy of the New York State Department of Health's comments related to the Office of the State Comptroller's final audit report 2013-S-15 entitled, "Improper Payments to a Physical Therapist."

Please feel free to contact Amy Nickson, Office of Governmental and External Affairs at (518) 474-2011 with any questions.

Sincerely,

A handwritten signature in black ink that reads "Howard Zucker M.D." in a cursive script.

Howard A. Zucker, M.D., J.D.
Acting Commissioner of Health

**Department of Health
Comments on the
Office of the State Comptroller's
Final Audit Report 2013-S-15 entitled,
"Improper Payments to a Physical Therapist"**

The following are the Department of Health's (Department) comments in response to the Office of the State Comptroller's (OSC) Final Audit Report 2013-S-15 entitled, "Improper Payments to a Physical Therapist."

Background:

New York State is a national leader in its oversight of the Medicaid Program. Through the efforts of the Department and the Office of the Medicaid Inspector General (OMIG), over the last five years, New York State alone accounted for 54.9 percent of the national total of fraud, waste, and abuse recoveries. These results reflect a trend of increased productivity and enforcement. Over the last three calendar years, the administration's Medicaid enforcement efforts have recovered over \$1.73 billion, a 34 percent increase over the prior three-year period.

Under Governor Cuomo's leadership, the Medicaid Redesign Team (MRT) was created in 2011 to lower health care costs and improve quality care for its Medicaid members. Since 2011, Medicaid spending has remained under the Global Spending Cap, while at the same time providing health care coverage to an additional 840,000 fragile and low income New Yorkers. Additionally, Medicaid spending per recipient has decreased to \$7,929 in 2013, consistent with levels from a decade ago.

Recommendation #1:

Recover Medicaid overpayments totaling \$146,225 for the 3,837 improper claims.

Recommendation 2:

Review the remaining 5,634 claim payments totaling \$158,990 and determine if recoveries and/or sanctions are warranted.

Response to Recommendations #1 and #2:

The OMIG will review and recover overpayments as appropriate.