



Office of the  
Medicaid Inspector  
General

ANDREW M. CUOMO  
Governor

DENNIS ROSEN  
Medicaid Inspector General

August 24, 2015

Seth P. Stein  
Executive Director and General Counsel  
NYS Psychiatric Association, Inc.  
400 Garden City Plaza  
Garden City, New York 11530

Dear Executive Director Stein:

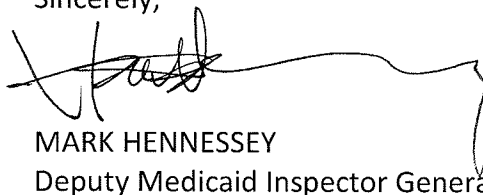
We received your letter of July 17<sup>th</sup>, 2015 regarding “Medicare–Medicaid Coinsurance Audit.” As you properly state, the Office of the Medicaid Inspector General’s (OMIG) work in this case was triggered by an audit (2012-S-27) conducted by the Office of the State Comptroller (OSC). In this audit, OSC claimed to have identified approximately \$7.1 million in Medicaid overpayments attributable to a lack of proper Medicare contributions in payment for services rendered to Medicare-Medicaid dually eligible recipients. OSC forwarded a copy of their report and requested that efforts be made to collect the overpayments.

Pursuant to §32 of the New York State Public Health Law, OMIG has the responsibility to work in a coordinated and cooperative manner with OSC. In light of this responsibility, OMIG relied on OSC findings and issued demand letters, a number of which were received by members of your association. The demand letters sought to recoup potential overpayments identified in the Comptroller’s report.

After receiving the material you provided, we reviewed OSC’s approach and found fault with the level of program understanding and methodology used in 2012-2-27. As a result, we believe that the Office of the State Comptroller audit report contained significantly deficient findings. Since OMIG’s demands letters were based on these findings, OMIG has cancelled all of the demand letters and will discuss the issue with OSC to hopefully avoid repeating the situation.

Please know that we take the issues you raised very seriously. We thank you for bringing the issue to our attention and look forward to working with you again in the future.

Sincerely,



MARK HENNESSEY  
Deputy Medicaid Inspector General