

Part 3 Investigation or Audit

63A-13-301 Access to records -- Retention of designation under Government Records Access and Management Act.

- (1) In order to fulfill the duties described in Section 63A-13-202, and in the manner provided in Subsection (4), the office shall have unrestricted access to all records of state executive branch entities, all local government entities, and all providers relating, directly or indirectly, to:
 - (a) the state Medicaid program;
 - (b) state or federal Medicaid funds;
 - (c) the provision of Medicaid related services;
 - (d) the regulation or management of any aspect of the state Medicaid program;
 - (e) the use or expenditure of state or federal Medicaid funds;
 - (f) suspected or proven fraud, waste, or abuse of state or federal Medicaid funds;
 - (g) Medicaid program policies, practices, and procedures;
 - (h) monitoring of Medicaid services or funds; or
 - (i) a fatality review of a person who received Medicaid funded services.
- (2) The office shall have access to information in any database maintained by the state or a local government to verify identity, income, employment status, or other factors that affect eligibility for Medicaid services.
- (3) The records described in Subsections (1) and (2) include records held or maintained by the department, the division, the Department of Human Services, the Department of Workforce Services, a local health department, a local mental health authority, or a school district. The records described in Subsection (1) include records held or maintained by a provider. When conducting an audit of a provider, the office shall, to the extent possible, limit the records accessed to the scope of the audit.
- (4) A record, described in Subsection (1) or (2), that is accessed or copied by the office:
 - (a) may be reviewed or copied by the office during normal business hours, unless otherwise requested by the provider or health care professional under Subsection (4)(b);
 - (b) unless there is a credible allegation of fraud, shall be accessed, reviewed, and copied in a manner, on a day, and at a time that is minimally disruptive to the health care professional's or provider's care of patients, as requested by the health care professional or provider;
 - (c) may be submitted electronically;
 - (d) may be submitted together with other records for multiple claims; and
 - (e) if it is a government record, shall retain the classification made by the entity responsible for the record, under Title 63G, Chapter 2, Government Records Access and Management Act.
- (5) Except as provided in Subsection (7), notwithstanding any provision of state law to the contrary, the office shall have the same access to all records, information, and databases to which the department or the division has access.
- (6) The office shall comply with the requirements of federal law, including the Health Insurance Portability and Accountability Act of 1996 and 42 C.F.R., Part 2, relating to the office's:
 - (a) access, review, retention, and use of records; and
 - (b) use of information included in, or derived from, records.
- (7) The office's access to data held by the Health Data Committee:
 - (a) is not subject to this section; and
 - (b) is subject to Title 26, Chapter 33a, Utah Health Data Authority Act.

Amended by Chapter 225, 2016 General Session

63A-13-302 Access to employees -- Cooperating with investigation or audit.

- (1) The office shall have access to interview the following persons if the inspector general determines that the interview may assist the inspector general in fulfilling the duties described in Section 63A-13-202:
 - (a) a state executive branch official, executive director, director, or employee;
 - (b) a local government official or employee;
 - (c) a consultant or contractor of a person described in Subsection (1)(a) or (b); or
 - (d) a provider or a health care professional or an employee of a provider or a health care professional.
- (2) A person described in Subsection (1) and each supervisor of the person shall fully cooperate with the office by:
 - (a) providing the office or the inspector general's designee with access to interview the person;
 - (b) completely and truthfully answering questions asked by the office or the inspector general's designee;
 - (c) providing the records, described in Subsection 63A-13-301(1), in the manner described in Subsection 63A-13-301(4), requested by the office or the inspector general's designee; and
 - (d) providing the office or the inspector general's designee with information relating to the office's investigation or audit.
- (3) A person described in Subsection (1)(a) or (b) and each supervisor of the person shall fully cooperate with the office by:
 - (a) providing records requested by the office or the inspector general's designee in the manner described in Subsection 63A-13-301(4); and
 - (b) providing the office or the inspector general's designee with information relating to the office's investigation or audit, including information that is classified as private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and Management Act.

Renumbered and Amended by Chapter 12, 2013 General Session

Amended by Chapter 359, 2013 General Session

63A-13-303 Cooperation and support.

The department, the division, each consultant or contractor of the department or division, and each provider shall provide its full cooperation and support to the inspector general and the office in fulfilling the duties of the inspector general and the office.

Renumbered and Amended by Chapter 12, 2013 General Session

63A-13-304 Interference with an investigation or audit prohibited.

No person may:

- (1) interfere with or impede an investigation or audit of the office or fraud unit; or
- (2) interfere with the office relative to the content of a report, the conclusions reached in a report, or the manner of disclosing the results and findings of the office.

Renumbered and Amended by Chapter 12, 2013 General Session

63A-13-305 Audit and investigation procedures.

- (1)

- (a) The office shall, in accordance with Section 63A-13-602, adopt administrative rules in consultation with providers and health care professionals subject to audit and investigation under this chapter to establish procedures for audits and investigations that are fair and consistent with the duties of the office under this chapter.
- (b) If the providers and health care professionals do not agree with the rules proposed or adopted by the office under Subsection (1)(a) or Section 63A-13-602, the providers or health care professionals may:
 - (i) request a hearing for the proposed administrative rule or seek any other remedies under the provisions of Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (ii) request a review of the rule by the Legislature's Administrative Rules Review Committee created in Section 63G-3-501.
- (2) The office shall notify and educate providers and health care professionals subject to audit and investigation under this chapter of the providers' and health care professionals' responsibilities and rights under the administrative rules adopted by the office under the provisions of this section and Section 63A-13-602.

Enacted by Chapter 12, 2013 General Session