

119 discover, and recover fraud, waste, and abuse in the Medicaid program, apply the state
 120 Medicaid plan, department administrative rules, Medicaid provider manuals, and Medicaid
 121 information bulletins in effect at the time the medical services were provided.

122 (b) If there is a conflict between the Medicaid state plan, administrative rules,
 123 Medicaid provider manuals, or a Medicaid information bulletin issued by the department, a
 124 health care provider may rely on the policy interpretation included in a current ~~H~~→ [Medicaid
 125 provider manual or current] ←~~H~~ Medicaid information bulletin that is available to the public.

126 [(3)] (4) The inspector general, or a designee of the inspector general within the office,
 127 may take a sworn statement or administer an oath.

128 Section 2. Section **63J-4a-204** is amended to read:

129 **63J-4a-204. Selection and review of claims.**

130 (1) (a) On an annual basis, the office shall select and review a representative sample of
 131 claims submitted for reimbursement under the state Medicaid program to determine whether
 132 fraud, waste, or abuse occurred.

133 (b) The office shall limit its review for waste and abuse under Subsection (1)(a) to 36
 134 months prior to the date of the inception of the investigation ~~H~~→ or 72 months if fraud is
 134a suspected ←~~H~~ .

135 (2) The office may directly contact the recipient of record for a Medicaid reimbursed
 136 service to determine whether the service for which reimbursement was claimed was actually
 137 provided to the recipient of record.

138 (3) The office shall generate statistics from the sample described in Subsection (1) to
 139 determine the type of fraud, waste, or abuse that is most advantageous to focus on in future
 140 audits or investigations.

141 Section 3. Section **63J-4a-301** is amended to read:

142 **63J-4a-301. Access to records -- Retention of designation under Government**
 143 **Records Access and Management Act.**

144 (1) In order to fulfill the duties described in Section 63J-4a-202, and in the manner
 145 provided in Subsection (4), the office shall have unrestricted access to all records of state
 146 executive branch entities, all local government entities, and all providers relating, directly or
 147 indirectly, to:

- 148 (a) the state Medicaid program;
- 149 (b) state or federal Medicaid funds;