

**From:** [Sunset Advisory Commission](#)  
**To:** [Cecelia Hartley](#)  
**Subject:** FW: Form submission from: Public Input Form for Agencies Under Review (Private/Before Publication)  
**Date:** Friday, October 17, 2014 3:48:28 PM

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-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]  
Sent: Friday, October 17, 2014 3:37 PM  
To: Sunset Advisory Commission  
Subject: Form submission from: Public Input Form for Agencies Under Review (Private/Before Publication)

Submitted on Friday, October 17, 2014 - 15:36

Agency: STATE OFFICE ADMINISTRATIVE HEARINGS SOAH

First Name: Juan D.

Last Name: Villarreal

Title: President/Owner/Dentist of Harlingen Family Dentistry

Organization you are affiliated with: Harlingen Family Dentistry

Email:

City: Harlingen

State: Texas

Your Comments or Concerns:

Re Medicaid Providers: OIG--Payment holds should be for 90 days and if no fraud found, the monies held should be released within 30 days. We are concerned with having a payment hold and an over payment hearing. Hearings are very expensive. I spend over \$400,000 on a payment hold hearing and even though no fraud was found, OIG continues to hold the money 3 years after the fact.

We like the recommendation of eliminating HHSC Court as making a final ruling or overruling in any SOAH hearing, making SOAH the final and if possible, going out to the district court for trial de novo in the future if OIG wants to challenge it.

We feel that OIG should be a neutral entity not under HHSC or even part of the Attorney General's office for prevention of fraud, waste, prevention and abuse. Being under HHSC, they tend to side with the agency in everything that occurs. HHSC with it's large budget in the billions needs to have greater transparency. The question is who is investigating HHSC, for example the lack of oversight in the TMHP contract.

Your Proposed Solution:

Have one payment hearing instead of two and; make SOAH final hearing for all Medicaid providers.

Payment Holds should be no longer than 90 days. If nothing found, monies held should be returned within 30 days. OIG being a neutral entity and not part of HHSC.

Have an agency that does quality control of all government agencies on a continuous basis. This will help deter fraud, waste and abuse.

My Comments Will Not Be Made Public: I agree