



July 13, 2026

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Deputy Administrator Daniel Brillman
Director, Center for Medicaid & CHIP Services
Centers for Medicare & Medicaid Services
Department of Health & Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Deputy Administrator Brillman:

Thank you for your July 7, 2026 guidance issued as part of the Centers for Medicare & Medicaid Services (CMS) rescission of the 2015 1115 'fast track' authority. Your guidance is much appreciated by our states, who not only rely on CMS' actions but more importantly the explanation underpinning CMS' decisions.

As background, the United Council on Welfare Fraud (UCOWF) is the only national organization of investigators dedicated to protecting our nation's public assistance programs from fraud, waste and abuse. We are the professionals dedicated to the prevention, investigation and prosecution of fraud, 24-7, 365 days-a-year, safeguarding billions of taxpayer dollars to ensure our nation's welfare programs remain strong to assist those in need.

Given this recent recognition of the importance and necessity for CMS guidance as illustrated by CMS' actions on July 7th, the United Council on Welfare Fraud (UCOWF) renews its request for additional guidance for State Medicaid Directors regarding SMD #24-005, pertaining to the pursuit of Medicaid beneficiary fraud and overpayment recoveries. This correspondence is a follow-up to our previous requests, sent in June 2025 through March 2026 (attached).

Specifically, UCOWF is asking for immediate and clear guidance from your agency related to the December 5, 2024 memo which was rescinded on May 1, 2025 (SMD #24-005). As you will see in our attached previous correspondence, UCOWF is requesting clarification on the recovery of Medicaid improper payments, repayment of recoveries and federal share, Medicaid Fraud Control Units (MFCUs), and details on administrative sanctions and recovery options. This is not an atypical request but consistent with all prior CMS actions involving rescissions.

UCOWF is on the front lines trying to enforce the President's EOs and the Secretary's directives. Yet, this continuing lack of clarity from CMS is restricting not only our work in Medicaid but also the Administration's SNAP reforms due to integrated eligibility systems. This conflicting guidance limits state program integrity options - hurting beneficiaries. In fact, as I am sure you and your colleagues are well aware, this conflicting policy has been noted across the country, as part of several states' excuses for some of their rampant fraud.



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For example, in North Carolina, this conflict is so severe that they have suspended individual establishment of administrative IHE (i.e., Inadvertent Household Errors) effectively halting the ability of North Carolina's fraud investigators to proceed with the culmination of their investigations. Specifically, the language from their most recent guidance (i.e., FAQ Operational Guidance rev. 7/28/25 – full FAQ attached) states:

"...DHB/OCPI has issued directives temporarily prohibiting the establishment of administrative IHE claims based on CMS guidance that is currently under DHB review for process development. Therefore, the PIIC is being resolved with a finding code of Substantiated-No Claim, as directed by DHB/OCPI..."

To be clear, we genuinely want to partner with you, Administrator Oz and Secretary Kennedy to curtail fraud, waste and abuse, but the actions must match the words. Underscoring this spirit and our efforts, UCOWF has previously offered CMS its suggestions for possible guidance accompanying the rescission of SMD #24-005, and we would be happy to update this, if it would be constructive.

As always, we look forward to helping you in any way possible to advance our shared goals of protecting beneficiaries and taxpayers alike.

Sincerely,

Keith Miskie, President
United Council on Welfare Fraud

CC: Ken Callahan, Senior Counselor for Policy, HHS-IOS
Darcie Johnston, Director HHS-OIEA
Jetson Leder-Luis, PhD, Deputy Director, White House Task Force to Eliminate Fraud

Attachments:

- UCOWF letter to CMS (3/9/25)
<https://www.ucowf.net/assets/pdf/UCOWF+letter+to+CMS+re+5Dec2024+Memo/>
- UCOWF letter to CMS (6/20/25)
<https://www.ucowf.net/assets/pdf/UCOWF+letter+to+CMS+re+Recission+of+5Dec2024+Memo/>
- UCOWF letter to CMS (10/23/25)
https://www.ucowf.net/assets/pdf/UCOWF+letter+regarding+CMS+Guidance+on+FWA_23Oct2025/
- UCOWF letter to House Chairman Comer (1/5/26)
https://www.ucowf.net/assets/pdf/UCOWF+letter+to+House+Oversight+regarding+MN+Fraud+Hearing+and+CMS+Guidance+on+FWA_5Jan2026/
- UCOWF response to CMS CRUSH RFI (3/30/26)
<https://www.ucowf.net/assets/pdf/UCOWF+Response+to+CMS+CRUSH+RFI+CMS-6098-NC+30March2026/>