

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 301 By Senator Dupre

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

CRIME/PUNISHMENT. Creates the crime of false statements concerning participation in medical assistance programs. (8/15/09)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Technical amendments.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

Proposed law creates the crime of false statement concerning participation in medical assistance programs.

Proposed law provides that a person commits the crime of false statement concerning participation in medical assistance programs when such person has been previously excluded as provided in proposed law and knowingly and intentionally offers a false written or oral statement for the purpose of any of the following:

- (1) Obtaining, attempting to obtain or maintaining employment with a provider.
- (2) Obtaining, attempting to obtain or maintaining employment as a provider.
- (3) Obtaining, attempting to obtain or retaining any monies or payments derived in whole or part from any state or federal medical assistance funds while excluded from participation in any state or federal medical assistance program.
- (4) Obtaining, attempting to obtain or maintaining a contract with a provider.
- (5) Sharing in proceeds from a provider and participating in the ownership or management of a provider.

Proposed law provides for the following definitions:

- (1) "Participation" means employment for a provider in any capacity, employment as a provider in any capacity, or obtaining any monies derived in whole or part from any medical assistance program.
- (2) "Medical assistance program" means any state or federally-funded program paid for directly or indirectly with federal or state funds or a combination of both.
- (3) "Exclusion" means that a state or federal oversight agency has determined that the person or provider can no longer be employed by, contract with, or have an ownership or management interest in any individual or entity that provides services which will be billed directly or indirectly to any medical assistance program.
- (4) "Provider" means an actual provider of medical assistance or other service, including any managed care organization providing services pursuant to a managed care program operated, funded, or reimbursed by any state or federally funded medical assistance program, including but not limited to the Medicaid program.
- (5) "Payment" includes a payment or approval for payment, any portion of which is paid out of any medical assistance program funds, including but not limited to the Medicaid program; "Payment" also includes a payment or approval for payment by a contractor, subcontractor, or agent for the Medicaid program, or any other state or

federally-funded medical assistance program pursuant to a managed care program, which is operated, funded, or reimbursed by the Medicaid program, or any other state or federally-funded medical assistance program.

- (6) "Oversight Agency" means the state or federal agency responsible for the administration of the medical assistance program, including but not limited to the Department of Health and Hospitals, the Department of Health and Human Services, the office of the inspector general, or any agent thereof.

Proposed law provides for any person who violates the provisions of proposed law when the statements are based on any reason other than a felony conviction will be fined not more than \$1,000 or imprisoned for not more than six months, or both.

Proposed law also provides for any person who violates proposed law when the false statements are results of a felony criminal conviction will be fined not less than \$1,000 nor more than \$20,000, or imprisoned with or without hard labor for not more than five years, or both.

Effective August 15, 2009.

(Adds R.S. 14:126.5)

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