The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST

SB 60 Original | 2015 Regular Session | Kostelka

Present law provides relative to the crime of Medicaid fraud.

Present law provides that Medicaid fraud is the act of any person who, with intent to defraud the state through any medical assistance program created under the federal Social Security Act and administered by the Dept. of Health and Hospitals, does any of the following:

(1) Presents for allowance or payment any false or fraudulent claim for furnishing services or merchandise.

(2) Knowingly submits false information for the purpose of obtaining greater compensation than that to which he is legally entitled for furnishing services or merchandise.

(3) Knowingly submits false information for the purpose of obtaining authorization for furnishing services or merchandise.

Proposed law retains present law and adds that Medicaid fraud is also committed by the act of any person who intends to defraud not only the state but any person or entity (e.g. false or fraudulent submissions made to a managed care organization used by the state to administer the program).

Present law provides for jurisdiction and venue in certain criminal matters, including the crime of Medicaid fraud.

Present law provides that all trials are to take place in the parish where the offense has been committed, unless the venue is changed. Present law further provides that if acts constituting an offense or if the elements of an offense occurred in more than one place, then the offense is deemed to have been committed in any parish in this state in which any such act or element occurred. Present law further provides that an offense committed on the boundary line of two parishes or within 100 feet thereof is deemed to have been committed in either parish.

Proposed law retains present law and adds that in addition to the venue established by present law, venue for a Medicaid fraud prosecution is also appropriate in the 19th Judicial District Court, Parish of East Baton Rouge.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:70.1(A)(intro para) and 70.1(A)(1) and (2); adds R.S. 14:70.1(C))