

2015 Regular Session

SENATE BILL NO. 60

BY SENATOR KOSTELKA

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FRAUD. Provides relative to Medicaid fraud. (gov sig)

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AN ACT

To amend and reenact the introductory paragraph of R.S. 14:70.1(A) and 70.1(A)(1) and (2), and to enact R.S. 14:70.1(C), relative to the crime of Medicaid fraud; to provide relative to the elements of Medicaid fraud; to provide relative to venue for Medicaid fraud prosecutions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 14:70.1(A) and 70.1(A)(1) and (2) are hereby amended and reenacted, and R.S. 14:70.1(C) is hereby enacted, to read as follows:

§70.1. Medicaid fraud

A. The crime of Medicaid fraud is the act of any person; who, with intent to defraud the state or any person or entity through any medical assistance program created under the federal Social Security Act and administered by the Department 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; ~~or~~
- (2) Knowingly submits false information for the purpose of obtaining greater compensation than that to which he is legally entitled for furnishing services or

1 merchandise; ~~or,~~

2 * * *

3 **C. In addition to the venue established by Code of Criminal Procedure**
4 **Articles 611 and 614, venue shall also be appropriate in the Nineteenth Judicial**
5 **District Court, Parish of East Baton Rouge.**

6 Section 2. This Act shall become effective upon signature by the governor or, if not
7 signed by the governor, upon expiration of the time for bills to become law without signature
8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
9 vetoed by the governor and subsequently approved by the legislature, this Act shall become
10 effective on the day following such approval.

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

SB 60 Original DIGEST 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))