

RÉSUMÉ DIGEST

ACT 138 (SB 60)

2015 Regular Session

Kostelka

Prior law provided relative to the crime of Medicaid fraud.

Prior law provided 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.

New law adds that Medicaid fraud is also committed by the act of any person who intends to defraud not only the state but any other person or entity (e.g. false or fraudulent submissions made to a managed care organization used by the state to administer the program). New law also adds that Medicaid fraud can be committed as to not only any program administered by the DHH but any program administered by any other state agency.

New law otherwise retains prior law.

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

Prior law provided that all trials are to take place in the parish where the offense has been committed, unless the venue is changed. Prior law further provided 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. Prior law further provided 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.

New law retains prior law and adds that in addition to the venue established by prior 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 (June 19, 2015).

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