

2016 Regular Session

SENATE BILL NO. 453

BY SENATOR WHITE

CRIME/PUNISHMENT. Adds Medicaid fraud to crimes governed by racketeering laws.
(gov sig)

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AN ACT

To amend and reenact R.S. 14:70.1(B) and to enact R.S. 15:1352(A)(63), relative to racketeering; to add Medicaid fraud to the list of crimes governed by state racketeering laws; to provide penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:70.1(B) is hereby amended and reenacted to read as follows:

§70.1. Medicaid fraud

* * *

B.(1) ~~Whoever~~ Except as provided in Paragraph (2) of this Subsection, whoever commits the crime of Medicaid fraud shall be imprisoned, with or without hard labor, for not more than five years, or may be fined not more than twenty thousand dollars, or both.

(2) Whoever commits the crime of Medicaid fraud involving racketeering activity as defined in R.S. 15:1352(A)(63) when the amount of the violation exceeds one hundred thousand dollars shall be imprisoned, with or without hard labor, for not less than one nor more than ten years, at least one year of which shall be served without benefit of probation, parole, or suspension

1 of sentence, and in addition may be fined not more than twenty thousand
2 dollars.

3 * * *

4 Section 2. R.S. 15:1352(A)(63) is hereby enacted to read as follows:

5 §1352. Definitions

6 A. As used in this Chapter, "racketeering activity" means committing,
7 attempting to commit, conspiring to commit, or soliciting, coercing, or intimidating
8 another person to commit any crime that is punishable under the following
9 provisions of Title 14 of the Louisiana Revised Statutes of 1950, the Uniform
10 Controlled Dangerous Substances Law, or the Louisiana Securities Law:

11 * * *

12 **(63) R.S. 14:70.1 (Medicaid fraud)**

13 * * *

14 Section 3. This Act shall become effective upon signature by the governor or, if not
15 signed by the governor, upon expiration of the time for bills to become law without signature
16 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
17 vetoed by the governor and subsequently approved by the legislature, this Act shall become
18 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.

DIGEST

SB 453 Original

2016 Regular Session

White

Present law provides that 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 Dept. of Health and Hospitals or any other state agency, 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.

Present law provides that the crime of Medicaid fraud is punishable by imprisonment, with or without hard labor, for up to five years, or a fine of up to \$20,000, or both.

Proposed law retains present law and adds that Medicaid fraud involving racketeering activity as defined in present law when the amount of the violation exceeds \$100,000 is punishable by imprisonment, with or without hard labor, for between one and 10 years, at least one year of which must be served without benefit of probation, parole, or suspension of sentence, and in addition may be fined up to \$20,000.

Present law provides that "racketeering activity" means committing, attempting to commit, conspiring to commit, or soliciting, coercing, or intimidating another person to commit any crime that is punishable under certain provisions of present law including solicitation for murder, second degree murder, aggravated kidnapping, extortion, theft, manufacture and distribution of certain drugs, money laundering, corrupt influencing, public contract fraud, and pornography involving juveniles.

Proposed law retains present law and adds the present law crime of Medicaid fraud to this list.

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

(Amends R.S. 14:70.1(B); adds R.S. 15:1352(A)(63))