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))