

2016 Regular Session

HOUSE BILL NO. 983

BY REPRESENTATIVE GAROFALO

CRIME: Provides with respect to Medicaid fraud

1 AN ACT

2 To enact R.S. 14:70.1(D), (E), and (F), relative to the crime of Medicaid fraud; to provide
3 definitions; to provide with respect to the determination of prior convictions; to
4 provide relative to liability; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:70.1(D), (E), and (F) are hereby enacted to read as follows:

7 §70.1. Medicaid fraud

8 * * *

9 D. For the purposes of this Section, "person" means a natural or juridical
10 person, including but not limited to a sole proprietorship, corporation, company,
11 limited liability company, partnership, limited liability partnership, trust,
12 incorporated or unincorporated association, or any other individual or entity.

13 E. For purposes of determining whether an offender has a prior conviction
14 for a violation of this Section, a conviction under this Section, or a conviction under
15 the laws of any state or federal law which is equivalent to the offenses provided for
16 in this Section, shall constitute a prior conviction.

17 F. The owners, members, shareholders, directors, or partners of any closely
18 held corporation or other business entity recognized by the laws of this state found
19 to be in violation of the provisions of this Section shall also be personally liable to
20 the state, along with the business entity, for the amount of the fine ordered by the
21 court.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 983 Engrossed

2016 Regular Session

Garofalo

Abstract: Regarding the crime of Medicaid fraud, provides for the definition of "person" and provides for the determination of prior convictions.

Present law provides for the crime of Medicaid fraud, punishable by imprisonment, with or without hard labor, for not more than five years, a fine of up to \$20,000, or both.

Proposed law defines "person" for the purposes of Medicaid fraud to include a natural or juridical person, including but not limited to a sole proprietorship, corporation, company, limited liability company, partnership, limited liability partnership, trust, incorporated or unincorporated association, or any other individual or entity.

Proposed law provides that a prior conviction can include a conviction from an equivalent state or federal conviction.

Proposed law provides that the owners, members, shareholders, directors, or partners of any closely held corporation, or other business entity shall also be personally liable to the state, along with the business entity, for the amount of the fine ordered by the court.

(Adds R.S. 14:70.1(D), (E), and (F))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Adds that owners, members, shareholders, directors, or partners of any closely held corporation, or other business entity shall also be personally liable for the amount of the fine ordered by the court