

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/20/03

A Bill

Act 1122 of 2003
HOUSE BILL 2868

5 By: Representative Stovall
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7

For An Act To Be Entitled

9 AN ACT TO AMEND THE MEDICAID FRAUD AGAINST THE
10 GOVERNMENT CHAPTER OF THE ARKANSAS CODE TO
11 PREVENT PERSONS CONVICTED OF MEDICAID FRAUD FROM
12 PARTICIPATING IN THE ARKANSAS MEDICAID PROGRAM;
13 AND FOR OTHER PURPOSES.
14

Subtitle

15 AN ACT TO PREVENT PERSONS CONVICTED OF
16 MEDICAID FRAUD FROM PARTICIPATING IN THE
17 ARKANSAS MEDICAID PROGRAM.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 5-55-103 is amended to read as follows:
24 5-55-103. Unlawful acts - Classification.

25 (a)(1) It shall be unlawful for any person to commit ~~medicaid~~ Medicaid
26 fraud as defined in this chapter, and any person found to have committed any
27 such act or acts shall be deemed guilty of ~~medicaid~~ Medicaid fraud.

28 ~~(b)(1)(2)~~ Medicaid fraud shall be:

29 (A) A Class B felony if the aggregate amount of payments
30 illegally claimed is two thousand five hundred dollars (\$2,500) or more;

31 (B) A Class C felony if the aggregate amount of payments
32 illegally claimed is less than two thousand five hundred dollars (\$2,500) but
33 more than two hundred dollars (\$200).

34 ~~(2)(3)~~ Otherwise, ~~medicaid~~ Medicaid fraud shall be a Class A
35 misdemeanor.

36 (b)(1) A person commits illegal Medicaid participation if:



1 (A) Having been found guilty of or having pled guilty or
2 nolo contendere to the charge of Medicaid fraud, theft of public benefits, or
3 abuse of adults as defined in the Criminal Code, that person participates,
4 directly or indirectly, in the Arkansas Medicaid program; or

5 (B) As a certified health provider, enrolled in the State
6 Medicaid Program pursuant to Title XIX of the Social Security Act, as
7 amended, or the fiscal agent of such a provider, employs, or engages as an
8 independent contractor, or engages as a consultant, or otherwise permits the
9 participation in the business activities of such provider, any person who has
10 plead guilty or nolo contendere to, or has been found guilty of, a charge of
11 Medicaid fraud, theft of public benefits, or abuse of adults as defined in
12 the Arkansas Criminal Code.

13 (2) Illegal Medicaid participation shall be:

14 (A) A Class A misdemeanor for the first offense;

15 (B) A Class D felony for the second offense; and

16 (C) A Class C felony for the third and subsequent
17 offenses.

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19 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
20 General Assembly of the State of Arkansas that the Medicaid Fraud Act is in
21 immediate need of the revision to clarify an ambiguity in the law; and that
22 the provisions of this act are essential to successful operations and
23 activities of the Medicaid Fraud Control Unit and the Department of Human
24 Services. Therefore, an emergency is declared to exist and this act being
25 immediately necessary for the preservation of the public peace, health, and
26 safety shall become effective on:

27 (1) The date of its approval by the Governor;

28 (2) If the bill is neither approved nor vetoed by the Governor,
29 the expiration of the period of time during which the Governor may veto the
30 bill; or

31 (3) If the bill is vetoed by the Governor and the veto is
32 overridden, the date the last house overrides the veto.

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34 /s/ Stovall

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36 APPROVED: 4/7/2003