## 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  As Engrossed: H3/20/03  A Rill			
2	84th General Assembly  Regular Session, 2003  HOUSE B	IT T	2065	
3	Regular Session, 2003 HOUSE B	ILL	2800	
4 5	By: Representative Stovall			
6	By. Representative Stovan			
7				
8	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				
15	Subtitle			
16	AN ACT TO PREVENT PERSONS CONVICTED OF			
17	MEDICAID FRAUD FROM PARTICIPATING IN THE			
18	ARKANSAS MEDICAID PROGRAM.			
19				
20				
21	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:			
22				
23	SECTION 1. Arkansas Code § 5-55-103 is amended to read as follows:			
24	5-55-103. Unlawful acts - Classification.			
25	(a) $\underline{(1)}$ It shall be unlawful for any person to commit $rac{medicaid}{2}$	<u> 1edi</u>	caid	
26	fraud as defined in this chapter, and any person found to have commit	ted	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 pay		ts	
30	illegally claimed is two thousand five hundred dollars (\$2,500) or more			
31	(B) A Class C felony if the aggregate amount of pay			
32	illegally claimed is less than two thousand five hundred dollars (\$2,5	500)	but	
33	more than two hundred dollars (\$200).			
34	(2)(3) Otherwise, medicaid Medicaid fraud shall be a Clas	ss A		
35	misdemeanor.			
36	(b)(1) A person commits illegal Medicaid participation if:			

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As Engrossed: H3/20/03 HB2868

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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