1 **State of Arkansas**

2 **79th General Assembly**   # A Bill   **ACT 1300 OF 1993**

3 **Regular Session, 1993**   **HOUSE BILL   1960**

4 **By: Representative Gibson**

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7   # For An Act To Be Entitled

8   "AN ACT TO AMEND ARKANSAS CODE TITLE 5, CHAPTER 55,

9   PERTAINING TO MEDICAID FRAUD; AND FOR OTHER PURPOSES."

10

11   # Subtitle

12   "AN ACT PROVIDING A REWARD FOR THE DETECTION AND

13   PUNISHMENT OF MEDICAID FRAUD."

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15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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17   SECTION 1. Subchapter 1 of Chapter 55 of Title 5 of Arkansas Code is

18 amended by inserting an additional section at the end thereof to read as

19 follows:

20   "Reward for the detection and punishment of Medicaid fraud.

21   (a) The court is authorized to pay a person such sums, not exceeding

22 ten percent (10%) of the aggregate penalty recovered, or in any case not more

23 than one hundred thousand dollars ($100,000), as it may deem just for

24 information such person may have provided which led to the detecting and

25 bringing to trial and punishment persons guilty of violating the Medicaid

26 fraud laws.

27   (1) Upon the disposition of any criminal action relating to

28 violations of this chapter in which a penalty is recovered, the Attorney

29 General may petition the court on behalf of a person who may have provided

30 information which led to the detecting and bringing to trial and punishment

31 persons guilty of Medicaid fraud to award such person in an amount

32 *commensurate with the quality and usefulness of information determined by the*

33 *court to have* been provided, in accordance with requirements of this chapter.

34   (2) If the Attorney General elects not to petition the court on

35 behalf of such person, he may petition the court on his own behalf.

36   *(3) Neither the state nor any defendant within the action shall*

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1 *be liable for expenses which a person* incurs in bringing an action under this
2 section.
3   *(4) Employees or fiscal agents charged with the duty of referring*
4 *or investigating cases of Medicaid fraud who are employed by or contract with*
5 *any governmental entity shall not be eligible to receive a reward under this*
6 *subsection."*
7
8   SECTION 2. All provisions of this act of a general and permanent nature
9 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
10 Revision Commission shall incorporate the same in the Code.
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12   SECTION 3. If any provision of this act or the application thereof to
13 any person or circumstance is held invalid, such invalidity shall not affect
14 other provisions or applications of the act which can be given effect without
15 the invalid provision or application, and to this end the provisions of this
16 act are declared to be severable.
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18   SECTION 4. All laws and parts of laws in conflict with this act are
19 hereby repealed.
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21   SECTION 5. EMERGENCY. It is hereby found and determined by the General
22 Assembly that the Attorney General and the prosecuting attorneys are in need
23 of specific legislation by which to eliminate fraud in the Arkansas Medicaid
24 Program and that immediate passage of this act is necessary to protect the
25 integrity of the program. Therefore, an emergency is hereby declared to exist
26 and this act being necessary for the immediate preservation of the public
27 peace, health and safety shall be in full force and effect from and after its
28 passage and approval.
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35   */s/Bynum Gibson*

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2   APPROVED: 4/23/93

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