

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Gibson**

A Bill

HOUSE BILL 1960

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE TITLE 5, CHAPTER 55,
PERTAINING TO MEDICAID FRAUD; AND FOR OTHER PURPOSES."

Subtitle

"AN ACT PROVIDING A REWARD FOR THE DETECTION AND
PUNISHMENT OF MEDICAID FRAUD."

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

SECTION 1. Subchapter 1 of Chapter 55 of Title 5 of Arkansas Code is amended by inserting an additional section at the end thereof to read as follows:

"Reward for the detection and punishment of Medicaid fraud.

(a) The court is authorized to pay a person such sums, not exceeding ten percent (10%) of the aggregate penalty recovered, or in any case not more than one hundred thousand dollars (\$100,000), as it may deem just for information such person may have provided which led to the detecting and bringing to trial and punishment persons guilty of violating the Medicaid fraud laws.

(1) Upon the disposition of any criminal action relating to violations of this chapter in which a penalty is recovered, the Attorney General may petition the court on behalf of a person who may have provided information which led to the detecting and bringing to trial and punishment persons guilty of Medicaid fraud to award such person in an amount commensurate with the quality and usefulness of information determined by the court to have been provided, in accordance with requirements of this chapter.

(2) If the Attorney General elects not to petition the court on behalf of such person, he may petition the court on his own behalf.

1 (3) Neither the state nor any defendant within the action shall
2 be liable for expenses which a person incurs in bringing an action under this
3 section.

4 (4) Employees or fiscal agents charged with the duty of referring
5 or investigating cases of Medicaid fraud who are employed by or contract with
6 any governmental entity shall not be eligible to receive a reward under this
7 subsection."

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9 SECTION 2. All provisions of this act of a general and permanent nature
10 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
11 Revision Commission shall incorporate the same in the Code.

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13 SECTION 3. If any provision of this act or the application thereof to
14 any person or circumstance is held invalid, such invalidity shall not affect
15 other provisions or applications of the act which can be given effect without
16 the invalid provision or application, and to this end the provisions of this
17 act are declared to be severable.

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19 SECTION 4. All laws and parts of laws in conflict with this act are
20 hereby repealed.

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22 SECTION 5. EMERGENCY. It is hereby found and determined by the General
23 Assembly that the Attorney General and the prosecuting attorneys are in need
24 of specific legislation by which to eliminate fraud in the Arkansas Medicaid
25 Program and that immediate passage of this act is necessary to protect the
26 integrity of the program. Therefore, an emergency is hereby declared to exist
27 and this act being necessary for the immediate preservation of the public
28 peace, health and safety shall be in full force and effect from and after its
29 passage and approval.

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As Engrossed: 4/7/93

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/s/Bynum Gibson

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