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 | |
|----|--|--|---|
| 2 | 84th General Assembly | A Bill | |
| 3 | Regular Session, 2003 | | HOUSE BILL 2868 |
| 4 | | | |
| 5 | By: Representative Stovall | | |
| 6 | | | |
| 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 | COTHER PURPOSES. | |
| 14 | | | |
| 15 | | Subtitle | |
| 16 | AN A | ACT TO PREVENT PERSONS CONVICTED OF | |
| 17 | MEDI | CAID FRAUD FROM PARTICIPATING IN TH | (E |
| 18 | ARKA | NSAS MEDICAID PROGRAM. | |
| 19 | | | |
| 20 | | | |
| 21 | BE IT ENACTED BY THE | GENERAL ASSEMBLY OF THE STATE OF AR | KANSAS: |
| 22 | | | |
| 23 | SECTION 1. Arka | ansas Code § 5-55-103 is amended to | read as follows: |
| 24 | 5-55-103. Unlav | wful acts - Classification. | |
| 25 | (a) <u>(l)</u> It shal | l be unlawful for any person to com | mit medicaid <u>Medicaid</u> |
| 26 | fraud as defined in t | his chapter, and any person found to | o have committed any |
| 27 | such act or acts shall | l be deemed guilty of medicaid <u>Medic</u> | <u>caid</u> fraud. |
| 28 | (b)(1)<u>(</u>2) Medi | caid 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 | <u>(2)(3)</u> 0 | therwise, medicaid <u>Medicaid</u> fraud sl | hall be a Class A |
| 35 | misdemeanor. | | |
| 36 | <u>(b)(1) A person</u> | n commits illegal Medicaid participa | ation 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. | | |
| 18 | | | |
| 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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