

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL NO. 1838

By: Glover, Hastings and Adair  
of the House

and

Helton of the Senate

COMMITTEE SUBSTITUTE

An Act relating to poor persons and public health and safety; amending 56 O.S. 1991, Section 1007, which relates to the Oklahoma Medicaid Program Integrity Act; providing for an increase in the time period for which the Oklahoma Health Care Authority may suspend a provider agreement with and stop reimbursement to a person convicted of Medicaid fraud; clarifying language; clarifying statutory references; creating the Oklahoma Health Care Authority Medicaid Program Fund; providing for expenditures; authorizing transfers; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 56 O.S. 1991, Section 1007, is amended to read as follows:

Section 1007. A. Any person who receives payment for furnishing a ~~good~~ goods or a ~~service~~ services under the Oklahoma

Medicaid Program, which the person is not entitled to receive by reason of offenses under paragraphs 1 through 6 of subsection A of Section 1005 of this title, shall, in addition to any other penalties provided by law, be liable for:

1. Full restitution to the ~~Department~~ Oklahoma Health Care Authority of all funds or payments received in violation of the Oklahoma Medicaid Program Integrity Act, Section 1001 et seq. of this title, which shall be returned to the ~~Department~~ Authority for deposit to the ~~Human Services Medical and Assistance~~ Oklahoma Health Care Authority Medicaid Program Fund, created in Section 2 of this act;

2. Payment of interest on the amount of the excess payment at the maximum legal rate in effect on the date the payment was made to ~~said~~ the person for the period from the date upon which payment was made to the date upon which the repayment is made to the ~~Department~~ Authority. All such payments shall be deposited in the ~~Human Services Medical and Assistance~~ Oklahoma Health Care Authority Medicaid Program Fund, created in Section 2 of this act; and

3. The cost of investigation, litigation, and attorney fees, which shall be deposited to the General Revenue Fund; ~~and~~.

~~4.~~ B. 1. In addition to the penalties imposed by paragraphs 1, 2 and 3 of subsection A of this section, any person who receives payment for furnishing goods or services under the Oklahoma Medicaid Program, which the person is not entitled to receive by reason of violation of paragraphs 1 through 6 of subsection A of Section 1005 of this title, shall be liable for one of the following penalties:

- a. a civil penalty of two (2) times the amount of restitution and interest thereon from date of judgment, which shall be deposited to the General Revenue Fund, or
- b. a civil penalty in the sum of Two Thousand Dollars (\$2,000.00) and interest thereon from date of judgment

for each false or fraudulent claim, statement, or representation submitted for providing ~~a good~~ goods or ~~service~~ services, which shall be deposited to the General Revenue Fund.

~~B.~~ 2. A criminal action need not be brought against the person before civil liability attaches under this section.

C. In addition to the sanctions provided by the Oklahoma Medicaid Program Integrity Act, the ~~Department of Human Services~~ Authority may, upon the conviction of or the entry of an administrative, civil or criminal judgment against any person wherein Medicaid fraud on the person's part is involved, suspend the provider agreement between the ~~Department of Human Services~~ Authority and the person and stop reimbursement to the person for goods or services claimed for a period of up to ~~three (3)~~ five (5) years from the date of final adjudication of the matter.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5018 of Title 63, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a fund for the Oklahoma Health Care Authority to be designated the "Oklahoma Health Care Authority Medicaid Program Fund". The fund shall be a continuing fund, not subject to fiscal year limitations. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Health Care Authority at the discretion of the Oklahoma Health Care Authority Board. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

The Administrator of the Oklahoma Health Care Authority may request the Director of State Finance to transfer monies between the Oklahoma Health Care Authority Medicaid Program Fund and any other fund of the Authority, as needed for the expenditure of funds.

SECTION 3. This act shall become effective July 1, 1995.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

45-1-1051

CJ