

ENGROSSED HOUSE
BILL NO. 1838

By: Glover, Hastings and
Adair of the House

and

Helton of the Senate

An Act relating to poor persons; amending 56 O.S.
1991, Section 1007, which relates to the Oklahoma
Medicaid Program Integrity Act; increasing certain
penalties for receipt of assistance; clarifying
language; and providing an effective date.

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 or a service 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 of all funds or payments
received in violation of the Oklahoma Medicaid Program Integrity Act
which shall be returned to the ~~Department~~ Oklahoma Health Care
Authority for deposit to the Human Services Medical and Assistance
Fund;

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 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 Fund;

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

4. 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 or service, which shall be deposited to the General Revenue Fund.

B. 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~~ Oklahoma Health Care 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~~ Oklahoma Health Care 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. This act shall become effective November 1, 1995.

Passed the House of Representatives the 2nd day of March, 1995.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1995.

President of the Senate