

**EHB 1908**

**THE STATE SENATE**  
**Tuesday, April 4, 2000**

**ENGROSSED**

**House Bill No. 1908**

**As Amended**

ENGROSSED HOUSE BILL NO. 1908 - By: MASS, ADAIR and PETTIGREW of the House and STIPE of the Senate.

An Act relating to public health and safety; amending 56 O.S. 1991, Section 1005, as amended by Section 4, Chapter 306, O.S.L. 1995 (56 O.S. Supp. 1999, Section 1005), which relates to the Oklahoma Medicaid Program Integrity Act; providing for construction of section which relates to certain payments, business arrangements or payment practices; conforming sections; providing for payment for securing or soliciting patients for hospitals and other entities; and declaring an emergency.

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

SECTION 1. AMENDATORY 56 O.S. 1991, Section 1005, as amended by Section 4, Chapter 306, O.S.L. 1995 (56 O.S. Supp. 1999, Section 1005), is amended to read as follows:

Section 1005. A. It shall be unlawful for any person to willfully and knowingly:

1. Make or cause to be made a claim, knowing the claim to be false, in whole or in part, by commission or omission; or

2. Make or cause to be made a statement or representation for use in obtaining or seeking to obtain authorization to provide a good or a service knowing the statement or representation to be false, in whole or in part, by commission or omission; or

1           3. Make or cause to be made a statement or representation for  
2 use by another in obtaining a good or a service under the Oklahoma  
3 Medicaid Program, knowing the statement or representation to be  
4 false, in whole or in part, by commission or omission; or

5           4. Make or cause to be made a statement or representation for  
6 use in qualifying as a provider of a good or a service under the  
7 Oklahoma Medicaid Program, knowing the statement or representation  
8 to be false, in whole or in part, by commission or omission; or

9           5. Charge any recipient or person acting on behalf of a  
10 recipient, money or other consideration in addition to or in excess  
11 of rates of remuneration established under the Oklahoma Medicaid  
12 Program; or

13          6. Solicit or accept a benefit, pecuniary benefit, or kickback  
14 in connection with goods or services paid or claimed by a provider  
15 to be payable by the Oklahoma Medicaid Program; or

16          7. Having submitted a claim for or received payment for a good  
17 or a service under the Oklahoma Medicaid Program, fail to maintain  
18 or destroy such records as required by law or the rules **and**  
19 **regulations** of the Oklahoma Health Care Authority for a period of at  
20 least six (6) years following the date on which payment was  
21 received.

1 B. For the purposes of this section, a person shall be deemed  
2 to have made or caused to be made a claim, statement, or  
3 representation if the person:

4 1. Had the authority or responsibility to make the claim,  
5 statement, or representation, to supervise those who made the claim,  
6 statement, or representation, or to authorize the making of the  
7 claim, statement, or representation, whether by operation of law,  
8 business or professional practice, or office procedure; and

9 2. Exercised such authority or responsibility or failed to  
10 exercise such authority or responsibility and as a direct or  
11 indirect result, the false statement was made.

12 C. The provisions of this section shall not be construed to  
13 prohibit any payment, business arrangement or payment practice not  
14 prohibited by 42 U.S.C., Section 1320a-7b(b) or any regulations  
15 promulgated pursuant thereto or to prohibit any payment, business  
16 arrangement or payment practice not prohibited by Section 1-742 of  
17 Title 63 of the Oklahoma Statutes.

18 D. For the purposes of this section, a person shall be deemed  
19 to have known that a claim, statement, or representation was false  
20 if the person knew, or by virtue of ~~his~~ **the person's** position,  
21 authority or responsibility, had reason to know, of the falsity of  
22 the claim, statement or representation.

1           SECTION 2. It being immediately necessary for the preservation  
2 of the public peace, health and safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.

5 COMMITTEE REPORT BY: COMMITTEE ON HUMAN RESOURCES, dated 3-30-00 -  
6 DO PASS, As Amended.