

SENATE FLOOR VERSION

February 12, 2018

SENATE BILL NO. 975

By: Brecheen of the Senate

and

Roberts (Sean) of the House

An Act relating to the Oklahoma Medicaid Program Integrity Act; amending 56 O.S. 2011, Section 1005.1, which relates to fraudulent receipt of assistance; mandating that applications for Medicaid assistance contain certain perjury warning; and providing an effective date.

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

SECTION 1. AMENDATORY 56 O.S. 2011, Section 1005.1, is amended to read as follows:

Section 1005.1. A. As used in this section:

1. "Administrative sanction" means the court may enter an order making an individual who violates a provision of this section ineligible for assistance for a specified period of time. Such order shall be communicated to the Oklahoma Health Care Authority Legal Division; and

2. "Insure Oklahoma" means the program administered by the Oklahoma Health Care Authority pursuant to Sections 1010.1 through 1010.13 of Title 56 of the Oklahoma Statutes.

1 B. Any individual who:

2 1. Obtains or attempts to obtain, or aids, abets or assists any
3 individual to obtain, by means of a false statement or
4 representation, or by false impersonation, or by a fictitious
5 transfer, conveyance or encumbrance of property or income, or by a
6 knowing and willful failure to report to the Department of Human
7 Services or the Oklahoma Health Care Authority income, personal
8 property, real property, household members, or other material
9 eligibility factors at the time of application or during the receipt
10 of assistance, or by other fraudulent device, assistance to which an
11 applicant is not entitled or assistance greater than that to which
12 an applicant is justly entitled shall be guilty of a misdemeanor or
13 a felony;

14 2. By sale, barter, purchase, theft, acquisition, possession or
15 use of any medical identification card or any other device
16 authorizing participation in the Oklahoma Medicaid Program,
17 knowingly obtains, aids, abets or assists any individual to obtain
18 or attempt to obtain assistance to which an individual is not
19 entitled shall be guilty of a misdemeanor or a felony; or

20 3. Attempts to obtain Medicaid or Insure Oklahoma benefits by
21 omitting income, personal property, household members, or other
22 material eligibility factors shall, upon conviction, be guilty of a
23 misdemeanor punishable by either a fine of three times the amount of
24 assistance, or up to three (3) months in the county jail. In

1 addition, the individual may also be punished by an administrative
2 sanction regarding Medicaid benefits. The court shall have
3 discretion in determining penalties.

4 C. If the acts in either paragraph 1 or 2 of subsection B of
5 this section or both paragraphs 1 and 2 of subsection B of this
6 section cause the Oklahoma Health Care Authority to determine that
7 an individual or family is eligible for Medicaid or the Insure
8 Oklahoma program and the aggregate amount of assistance paid on
9 behalf of the individual or individuals is less than Five Thousand
10 Dollars (\$5,000.00), the penalty, upon conviction, shall be a
11 misdemeanor punishable by fine or imprisonment, or both a fine and
12 imprisonment for three (3) months or an administrative sanction
13 regarding Medicaid benefits in the discretion of the court. If the
14 acts in paragraph 1 or 2 of subsection B of this section or both
15 paragraphs 1 and 2 of subsection B of this section cause the
16 Oklahoma Health Care Authority to determine an individual or family
17 eligible for Medicaid or the Insure Oklahoma program and the
18 aggregate amount of assistance paid on behalf of the individual or
19 individuals is equal to or greater than Five Thousand Dollars
20 (\$5,000.00), the penalty, upon conviction, shall be a felony
21 punishable by fine or imprisonment or both a fine and imprisonment
22 for not more than five (5) years or an administrative sanction
23 regarding Medicaid benefits in the discretion of the court.
24

D. Each application for Medicaid assistance shall contain a statement, under penalty of perjury, alleging that all matters stated therein are true and correct. The statement under penalty of perjury may be substantially in the following form:

"I state under penalty of perjury under the laws of Oklahoma
that the foregoing is true and correct.

(Date)

(Signature) "

SECTION 2. This act shall become effective November 1, 2018.

COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
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