

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1326

By: Brecheen

6 AS INTRODUCED

7 An Act relating to the Oklahoma Medicaid Program
8 Integrity Act; amending 56 O.S. 2011, Section 1005.1,
9 which relates to fraudulent receipt of assistance;
10 setting maximum fine for certain offenses; updating
11 statutory language; and providing an effective date.

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

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

15 Section 1005.1. A. As used in this section:

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

21 2. "Insure Oklahoma" means the program administered by the
22 Oklahoma Health Care Authority pursuant to Sections 1010.1 through
23 1010.13 of ~~Title 56 of the Oklahoma Statutes~~ this title.

24 B. Any individual who:

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

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

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

1 sanction regarding Medicaid benefits. The court shall have
2 discretion in determining penalties.

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

1 for not more than five (5) years or an administrative sanction
2 regarding Medicaid benefits in the discretion of the court.

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