

DRA Compliance Statement

Section 6032 of the Deficit Reduction Act of 2005 (DRA), effective January 1, 2007, requires all entities that receive \$5 million or more in annual Medicaid payments to establish written policies that provide detailed information about the Federal False Claims Act, the administrative remedies for false claims and statements, *applicable state laws* that provide civil or criminal penalties for making false claims and statements, the “whistleblower” protections afforded under such laws and the role of such laws in preventing and detecting fraud, waste and abuse in federal health care programs. Entities shall establish these written policies for all employees (including management), and for any contractor or agent of the entity.

According to CMS, “an entity includes organizational units (a governmental agency, organization, unit, corporation, partnership, or other business arrangement) and individuals, as long as the organizational unit or individual receives or makes payments totaling at least \$5 million annually under a Title XIX State Plan, State Plan waiver, or Title XIX demonstration. It is the responsibility of each entity to establish and disseminate written policies which must also be adopted by its contractors or agents. Written policies may be on paper or in electronic form, but must be readily available to all employees, contractors, or agents. For purposes of determining whether an individual or organization must comply with section 6032 as an entity or as a contractor:

- a) if a provider is directly paid \$5 million in a Federal fiscal year from the State Medicaid Agency, the provider would qualify as an entity, and must comply as such, regardless of whether the provider also contracts with a Medicaid Managed Care Organization (MCO); or
- b) if a provider contracts with a Medicaid MCO that has met the \$5 million threshold, but the provider itself receives less than \$5 million annually directly from the State Medicaid Agency, then the provider must comply as a contractor of the Medicaid MCO, regardless of the amount it is paid by the Medicaid MCO for Medicaid patients.”

When Magellan is considered the entity under the DRA, Magellan is required to establish and to disseminate these policies to its employees, contractors, agents or other persons who furnish, or otherwise authorize the furnishing of, health care items or services; perform billing or coding functions; or are involved in the monitoring of health care services provided by Magellan. According to CMS, “for purposes of section 6032 compliance, an entity’s contractors and agents, including independent contractors, must abide by the entity’s policies to the extent applicable.”

Failure to comply may disqualify contractors, agents or other persons from receiving reimbursement for the period of non-compliance. Knowing non-compliance may violate the Federal False Claims Act as well as disqualify contractors from participation in federal health care programs.

Magellan's Compliance Activities

Magellan is committed to its role in preventing and detecting health care fraud and abuse and complying with applicable federal and state laws. As a part of this effort, Magellan has a comprehensive compliance program to ensure compliance with the DRA including the following:

1. A *Medicaid Program Integrity & Compliance Program* policy that outlines Magellan's comprehensive compliance program for the detection and prevention of fraud, waste and abuse in the Medicaid program. To review the policy, please select the following link: [Medicaid Program Integrity & Compliance Program policy](#).
2. A *False Claims and Whistleblower Protection* policy that includes a summary of the Federal False Claims Act, federal whistleblower protections and the federal administrative remedies for Federal False Claims. To review the policy, please select the following link: [False Claims and Whistleblower Protection policy](#).
3. A Code of Conduct that includes information on Magellan's Fraud and Abuse program. All Magellan employees must complete an annual training on Magellan's Code of Conduct. This training includes

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information on the Federal False Claims Act, applicable state false claims laws including civil or criminal penalties for making false claims and statements, the "whistleblower" protections afforded under such laws and the role of such laws in preventing and detecting fraud, waste and abuse. To review the Code of Conduct, please select the following link: [Code of Conduct](#).

4. A summary of the State False Claims Laws that identify state civil and criminal penalties for false claims and statements along with the whistleblower protections afforded under such laws. To review the summary, please select the following link: [State False Claims Laws](#).

Copies of our *False Claims and Whistleblower Protection policy*, *Medicaid Program Integrity & Compliance Program policy*, *State False Claims Laws summary* and *Code of Conduct Handbook* are also available upon request by contacting the Compliance Hotline at **(800) 915-2108** or e-mailing us at compliance@magellanhealth.com.

Additional information about the education requirement (Section 6032) of the Deficit Reduction Act of 2005 is available online at the Centers for Medicare and Medicaid Services (CMS) web site. We provided a few links below.

- CMS - Final Guidance Regarding Employee Education for False Claims Recovery (03/22/2007):
 - <http://www.cms.gov/smdl/downloads/SMD032207.pdf>
 - <http://www.cms.gov/smdl/downloads/SMD032207Att1.pdf>
 - <http://www.cms.gov/smdl/downloads/SMD032207Att2.pdf>
- CMS - Employee Education About False Claims Recovery (12/13/2006):
 - <http://www.cms.gov/smdl/downloads/SMD121306.pdf>

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How To Report Fraud, Waste, and/or Abuse

Magellan, its employees, contractors, agents, and providers are required to cooperate fully with state and federal oversight and prosecutorial agencies. There are several options available to you for reporting fraud, waste, overpayments, and/or abuse.

1. Magellan

- To report fraud, waste and/or abuse, contact the SIU Department at 800-755-0850 or at SIU@magellanhealth.com.
- You may also contact Magellan’s Compliance Hotline at 1-800-915-2108, 24 hours per day/seven days a week. You may choose to remain anonymous when calling. Or contact us via email at Compliance@magellanhealth.com
 - <http://magellanhealth.com/mh/about/compliance/reporting-fraud.aspx>

2. State Regulatory Agency

- You can report directly to the State Medicaid Agency or to other designated state regulatory agencies with oversight over Medicaid fraud, waste, and/or abuse. The state-specific contact information for reporting fraud, waste, and/or abuse is available below.

State	Additional Information About The Fraud & Abuse Reporting Process
CA	https://www.dhcs.ca.gov/individuals/Pages/StopMedi-CalFraud.aspx#:~:text=%E2%80%8B%E2%80%8B%E2%80%8B%E2%80%8B,Report%20it.&text=%E2%80%8BThe%20Department%20of%20Health,call%20911%20for%20immediate%20assistance . The Department of Health Care Services (DHCS) asks that anyone suspecting Medi-Cal fraud, waste, or abuse to call the DHCS Medi-Cal Fraud Hotline at 1-800-822-6222 or email us at fraud@dhcs.ca.gov
FL	https://ahca.myflorida.com/agency-administration/office-of-inspector-general/medicaid-fraud-protect-your-tax-dollars#:~:text=These%20complaints%20may%20be%20filed,at%20http%3A%2F%2Fmyfloridalegal.com . These complaints may be filed online using the Medicaid billing fraud online complaint form or by telephone at 1-888-419-3456. To report suspected Medicaid fraud by health care providers you may also contact the Office of Attorney General at 1-866-966-7226 or file a complaint online at http://myfloridalegal.com .
HI	https://medquest.hawaii.gov/en/members-applicants/fraud-prevention.html Department of Human Services:

State	Additional Information About The Fraud & Abuse Reporting Process
	<u>Medicaid Recipient Fraud</u> – If you think someone may be receiving Medicaid benefits to which they are not entitled to, including medical coverage, financial assistance, food stamps, etc. you can call the Investigations Office of the Benefits Employment & Support Services Division. The hotline number is (808) 587-8444. <u>Medicaid Provider Fraud</u> – To report suspected fraud by Medicaid Providers, which include doctors, nurses, hospitals, durable medical equipment suppliers, home health services, physical therapy, personal care attendants, etc. you can call the Medicaid Investigator at: (808) 692-8072. https://aq.hawaii.gov/cjd/medicaid-fraud-control-unit/ MEDICAID FRAUD CONTROL UNIT (MFCU) REPORT SUSPECTED FRAUD, ABUSE, OR NEGLECT Click on the appropriate link below to be taken to the MFCU’s online complaint portal for Medicaid Fraud, Abuse, or Neglect. <u>REPORT MEDICAID FRAUD</u> <u>REPORT ABUSE OR NEGLECT</u> CONTACT THE MFCU Telephone: 808-586-1058 Facsimile: 808-586-1077
ID	https://www.ag.idaho.gov/office-resources/medicaid-fraud/ To report Medicaid recipient fraud, contact the Idaho Department of Health & Welfare at 1-866-635-7515 or by e–mail at welfraud@dhw.idaho.gov.
LA	https://ldh.la.gov/page/219#:~:text=1,488.2917%20for%20Provider%20Fraud%20complaints. There are several ways you can alert the Louisiana Department of Health for investigation and swift punishment: 1. Call toll-free 1.800.488.2917 for Provider Fraud complaints. Call toll-free 1.833.920.1773 for Recipient Fraud complaints. 2. Complete the appropriate form below and submit it electronically.

State	Additional Information About The Fraud & Abuse Reporting Process
	• Provider Fraud Form • Recipient Fraud Form 3. Submit your Provider fraud complaint by mail to: Gainwell SURS Department 8591 United Plaza Blvd. Baton Rouge, LA 70809 Submit your Recipient fraud complaint by mail to: Customer Service Unit Louisiana Department of Health P.O. Box 91278 Baton Rouge, LA 70821-9278 4. Fax Provider Fraud complaints to 225.216.6129. Fax Recipient Fraud complaints to 225.389.2610. You can report anonymously.
NM	https://www.nmag.gov/about-the-office/criminal-affairs/medicaid-fraud-control-unit/ https://www.hsd.state.nm.us/lookingforassistance/report_fraud/ Phone 1 (800) 228-4802 Fax (505) 797-5127 Email HSD-OIG.Fraud@HSD.NM.GOV Mail New Mexico Human Services Department Office of Inspector General 8909 Adams St. NE, Suite A Albuquerque, NM 87113

State	Additional Information About The Fraud & Abuse Reporting Process
PA	https://www.dhs.pa.gov/about/Fraud-And-Abuse/Pages/MA-Fraud-and-Abuse---General-Information.aspx Suspected fraud and abuse can also be reported by telephone at 1-844-DHS-TIPS (1-844-347-8477) or by writing to us at: Department of Human Services Office of Administration Bureau of Program Integrity P.O. Box 2675 Harrisburg, PA 17105-2675
TX	https://oig.hhs.texas.gov/report-fraud-waste-or-abuse#:~:text=Report%20suspected%20fraud%2C%20waste%20or,%2D436%2D6184%20or%20online. Report suspected fraud, waste or abuse involving Texas Health and Human Services (HHS) programs by calling the OIG Fraud Hotline at 800-436-6184 or online.
WY	https://ag.wyo.gov/law-office-division/medicaid-fraud-control-unit Report Fraud and Abuse: You can report suspected fraud by a Medicaid provider or patient abuse, neglect, or exploitation in a Medicaid-funded facility by: ▪ Filling out our online form, ▪ Mailing us a completed paper form, ▪ Emailing complaints to ag.medicaid.fraud@wyo.gov, or ▪ Calling the Medicaid Fraud Control Unit at 1-800-378-0345. ▪ To report suspected fraud by a Medicaid recipient, call the Wyoming Department of Health, Healthcare Financing, Program Integrity Unit, Fraud Hotline at 1(855) 846-2563.

3. Centers for Medicare & Medicaid Services (CMS) @ <https://www.cms.gov/About-CMS/Components/CPI/CPIReportingFraud>

4. US.DOF. FBI @ <https://www.fbi.gov/investigate/white-collar-crime/health-care-fraud>

5. U.S. Department of Health & Human Services Office of Inspector General

To report fraud in all federal health care programs including Medicare, Medicaid & SCHIP, you can contact the U.S. Department of Health and Human Services Office of Inspector General [<http://oig.hhs.gov/fraud/report-fraud/index.asp>]:

<https://oig.hhs.gov/fraud/report-fraud/contact/>

- **Phone:** 1-800-HHS-TIPS (**1-800-447-8477**)
- ***Fax:** **1-800-223-8164**
- **TTY:** **1-800-377-4950**
- **Email:** HHSTips@oig.hhs.gov

Mail:

U.S. Department of Health & Human Services
Office of Inspector General
ATTN: OIG HOTLINE OPERATIONS
PO Box 23489
Washington, DC 20026

To facilitate expeditious investigation of the alleged fraud regarding Medicaid or the Children’s Health Insurance Program (CHIP), it is helpful to have as much information as possible. Pertinent/relevant information includes:

- Name of Medicaid (or CHIP) client;
- Client's Medicaid (or CHIP) card number;
- Name of doctor, hospital, or other healthcare provider;
- Date of service;
- Amount of money Medicaid (or CHIP) approved and/or paid; and
- A description of the acts that you suspect involve fraud.

PART II – THE FEDERAL FALSE CLAIMS ACT

Federal False Claims Act

The Federal False Claims Act (FCA) is a federal statute that covers fraud involving any federally funded contract or program, including the Medicare and Medicaid programs. The Federal False Claims Act (FCA) applies to all federal programs. Under the FCA, any individual or organization that knowingly submits a fraudulent or false claim for payment or approval under any federally funded health care program is subject to civil penalties. The Federal government uses the FCA to combat fraud, waste, and abuse in federal programs, contracts, & federal purchases. In addition to civil penalties, individuals and entities can also be excluded from participating in any federal health care program for non-compliance.

31 USCS § 3729.- FALSE CLAIMS

(a) Liability for certain acts

Any person who—

- A. knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;
- B. knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim;
- C. conspires to commit a violation of subparagraph (A), (B), (D), (E), (F), or (G);
- D. has possession, custody, or control of property or money used, or to be used, by the Government and knowingly delivers, or causes to be delivered, less than all of that money or property;
- E. is authorized to make or deliver a document certifying receipt of property used, or to be used, by the Government and, intending to defraud the Government, makes or delivers the receipt without completely knowing that the information on the receipt is true;
- F. knowingly buys, or receives as a pledge of an obligation or debt, public property from an officer or employee of the Government, or a member of the Armed Forces, who lawfully may not sell or pledge property; or
- G. knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the Government, or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the Government,

PENALTIES PER CLAIM

Is liable to the United States Government for a civil penalty of not less than \$ 5,500 and not more than \$ 11,000, plus 3 times the amount of damages which the Government sustains because of the act of that person, except that if the court finds that--

- (A) the person committing the violation of this subsection furnished officials of the United States responsible for investigating false claims violations with all information known to such person about the violation within 30 days after the date on which the defendant first obtained the information;

- (B) such person fully cooperated with any Government investigation of such violation; and
- (C) at the time such person furnished the United States with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced under this title with respect to such violation, and the person did not have actual knowledge of the existence of an investigation into such violation; the court may assess not less than 2 times the amount of damages which the Government sustains because of the act of the person. A person violating this subsection shall also be liable to the United States Government for the costs of a civil action brought to recover any such penalty or damages.

DEFINITIONS

(b) Definitions. For purposes of this section--

1. the terms "**knowing**" and "**knowingly**"--
 - (A) mean that a person, with respect to information--
 - (i) has actual knowledge of the information;
 - (ii) acts in deliberate ignorance of the truth or falsity of the information; or
 - (iii) acts in reckless disregard of the truth or falsity of the information; and
 - (B) require no proof of specific intent to defraud;
2. the term "**claim**"--
 - (A) means any request or demand, whether under a contract or otherwise, for money or property and whether or not the United States has title to the money or property, that--
 - (i) is presented to an officer, employee, or agent of the United States; or
 - (ii) is made to a contractor, grantee, or other recipient, if the money or property is to be spent or used on the Government's behalf or to advance a Government program or interest, and if the United States Government--
 - (I) provides or has provided any portion of the money or property requested or demanded; or
 - (II) will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded; and
 - (B) does not include requests or demands for money or property that the Government has paid to an individual as compensation for Federal employment or as an income subsidy with no restrictions on that individual's use of the money or property;

3. the term "**obligation**" means an established duty, whether or not fixed, arising from an express or implied contractual, grantor-grantee, or licensor-licensee relationship, from a fee-based or similar relationship, from statute or regulation, or from the retention of any overpayment; and
 4. the term "**material**" means having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property.
- (c) **Exemption from disclosure.** Any information furnished pursuant to subsection (a)(2) shall be exempt from disclosure under section 552 of title 5.
- (d) **Exclusion.** This section does not apply to claims, records, or statements made under the Internal Revenue Code of 1986 [[26 USCS §§ 1](#) et seq.].

ENFORCEMENT

31 USCS § 3730

(a) Responsibilities of the Attorney General.--The Attorney General diligently shall investigate a violation under section 3729. If the Attorney General finds that a person has violated or is violating section 3729, the Attorney General may bring a civil action under this section against the person.

(b) Actions by private persons.--(1) A person may bring a civil action for a violation of section 3729 for the person and for the United States Government. The action shall be brought in the name of the Government. The action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.

(2) A copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the Government pursuant to Rule 4(d)(4) of the Federal Rules of Civil Procedure.1 The complaint shall be filed in camera, shall remain under seal for at least 60 days, and shall not be served on the defendant until the court so orders. The Government may elect to intervene and proceed with the action within 60 days after it receives both the complaint and the material evidence and information.

(3) The Government may, for good cause shown, move the court for extensions of the time during which the complaint remains under seal under paragraph (2). Any such motions may be supported by affidavits or other submissions in camera. The defendant shall not be required to respond to any complaint filed under this section until 20 days after the complaint is unsealed and served upon the defendant pursuant to Rule 4 of the Federal Rules of Civil Procedure.

(4) Before the expiration of the 60-day period or any extensions obtained under paragraph (3), the Government shall--

(A) proceed with the action, in which case the action shall be conducted by the Government; or

(B) notify the court that it declines to take over the action, in which case the person bringing the action shall have the right to conduct the action.

(5) When a person brings an action under this subsection, no person other than the Government may intervene or bring a related action based on the facts underlying the pending action.

(c) Rights of the parties to qui tam actions.--(1) If the Government proceeds with the action, it shall have the primary responsibility for prosecuting the action, and shall not be bound by an act of the person bringing the action. Such person shall have the right to continue as a party to the action, subject to the limitations set forth in paragraph (2).

(2)(A) The Government may dismiss the action notwithstanding the objections of the person initiating the action if the person has been notified by the Government of the filing of the motion and the court has provided the person with an opportunity for a hearing on the motion.

(B) The Government may settle the action with the defendant notwithstanding the objections of the person initiating the action if the court determines, after a hearing, that the proposed settlement is fair, adequate, and reasonable under all the circumstances. Upon a showing of good cause, such hearing may be held in camera.

(C) Upon a showing by the Government that unrestricted participation during the course of the litigation by the person initiating the action would interfere with or unduly delay the Government's prosecution of the case, or would be repetitious, irrelevant, or for purposes of harassment, the court may, in its discretion, impose limitations on the person's participation, such as--

(i) limiting the number of witnesses the person may call;

(ii) limiting the length of the testimony of such witnesses;

(iii) limiting the person's cross-examination of witnesses; or

(iv) otherwise limiting the participation by the person in the litigation.

(D) Upon a showing by the defendant that unrestricted participation during the course of the litigation by the person initiating the action would be for purposes of harassment or would cause the defendant undue burden or unnecessary expense, the court may limit the participation by the person in the litigation.

(3) If the Government elects not to proceed with the action, the person who initiated the action shall have the right to conduct the action. If the Government so requests, it shall be served with copies of all pleadings filed in the action and shall be supplied with copies of all deposition transcripts (at the Government's expense). When a person proceeds with the action, the court, without limiting the status and rights of the person initiating the action, may nevertheless permit the Government to intervene at a later date upon a showing of good cause.

(4) Whether or not the Government proceeds with the action, upon a showing by the Government that certain actions of discovery by the person initiating the action would interfere with the Government's investigation or prosecution of a criminal or civil matter arising out of the same facts, the court may stay such discovery for a period of not more than 60 days. Such a showing shall be conducted in camera. The court may extend the 60-day period upon a further showing in camera that the Government has pursued the criminal or civil investigation or proceedings with reasonable diligence and any proposed discovery in the civil action will interfere with the ongoing criminal or civil investigation or proceedings.

(5) Notwithstanding subsection (b), the Government may elect to pursue its claim through any alternate remedy available to the Government, including any administrative proceeding to determine a civil money penalty. If any such alternate remedy is pursued in another proceeding, the person initiating the action shall have the same rights in such proceeding as such person would have had if the action had continued under this section. Any finding of fact or conclusion of law made in such other proceeding that has become final shall be conclusive on all parties to an action under this section. For purposes of the preceding sentence, a finding or conclusion is final if it has been finally determined on appeal to the appropriate court of the United States, if all time for filing such an appeal with respect to the finding or conclusion has expired, or if the finding or conclusion is not subject to judicial review.

(d) Award to qui tam plaintiff.--(1) If the Government proceeds with an action brought by a person under subsection (b), such person shall, subject to the second sentence of this paragraph, receive at least 15 percent but not more than 25 percent of the proceeds of the action or settlement of the claim, depending upon the extent to which the person substantially contributed to the prosecution of the action. Where the action is one which the court finds to be based primarily on disclosures of specific information (other than information provided by the person bringing the action) relating to allegations or transactions in a criminal, civil, or administrative hearing, in a congressional, administrative, or Government Accounting2 Office report, hearing, audit, or investigation, or from the news media, the court may award such sums as it considers appropriate, but in no case more than

10 percent of the proceeds, taking into account the significance of the information and the role of the person bringing the action in advancing the case to litigation. Any payment to a person under the first or second sentence of this paragraph shall be made from the proceeds. Any such person shall also receive an amount for reasonable expenses which the court finds to have been necessarily incurred, plus reasonable attorneys' fees and costs. All such expenses, fees, and costs shall be awarded against the defendant.

(2) If the Government does not proceed with an action under this section, the person bringing the action or settling the claim shall receive an amount which the court decides is reasonable for collecting the civil penalty and damages. The amount shall be not less than 25 percent and not more than 30 percent of the proceeds of the action or settlement and shall be paid out of such proceeds. Such person shall also receive an amount for reasonable expenses which the court finds to have been necessarily incurred, plus reasonable attorneys' fees and costs. All such expenses, fees, and costs shall be awarded against the defendant.

(3) Whether or not the Government proceeds with the action, if the court finds that the action was brought by a person who planned and initiated the violation of section 3729 upon which the action was brought, then the court may, to the extent the court considers appropriate, reduce the share of the proceeds of the action which the person would otherwise receive under paragraph (1) or (2) of this subsection, taking into account the role of that person in advancing the case to litigation and any relevant circumstances pertaining to the violation. If the person bringing the action is convicted of criminal conduct arising from his or her role in the violation of section 3729, that person shall be dismissed from the civil action and shall not receive any share of the proceeds of the action. Such dismissal shall not prejudice the right of the United States to continue the action, represented by the Department of Justice.

(4) If the Government does not proceed with the action and the person bringing the action conducts the action, the court may award to the defendant its reasonable attorneys' fees and expenses if the defendant prevails in the action and the court finds that the claim of the person bringing the action was clearly frivolous, clearly vexatious, or brought primarily for purposes of harassment.

(e) Certain Actions Barred.--(1) No court shall have jurisdiction over an action brought by a former or present member of the armed forces under subsection (b) of this section against a member of the armed forces arising out of such person's service in the armed forces.

(2)(A) No court shall have jurisdiction over an action brought under subsection (b) against a Member of Congress, a member of the judiciary, or a senior executive branch official if the action is based on evidence or information known to the Government when the action was brought.

(B) For purposes of this paragraph, "senior executive branch official" means any officer or employee listed in paragraphs (1) through (8) of section 13103(f) of title 5.

(3) In no event may a person bring an action under subsection (b) which is based upon allegations or transactions which are the subject of a civil suit or an administrative civil money penalty proceeding in which the Government is already a party.

(4)(A) The court shall dismiss an action or claim under this section, unless opposed by the Government, if substantially the same allegations or transactions as alleged in the action or claim were publicly disclosed--

(i) in a Federal criminal, civil, or administrative hearing in which the Government or its agent is a party;

(ii) in a congressional, Government Accountability Office, or other Federal report, hearing, audit, or investigation; or

(iii) from the news media,

unless the action is brought by the Attorney General or the person bringing the action is an original source of the information.

(B) For purposes of this paragraph, “original source” means an individual who either (i) prior to a public disclosure under subsection (e)(4)(a), has voluntarily disclosed to the Government the information on which allegations or transactions in a claim are based, or (2)3 who has knowledge that is independent of and materially adds to the publicly disclosed allegations or transactions, and who has voluntarily provided the information to the Government before filing an action under this section.

(f) Government not liable for certain expenses.--The Government is not liable for expenses which a person incurs in bringing an action under this section.

(g) Fees and expenses to prevailing defendant.--In civil actions brought under this section by the United States, the provisions of section 2412(d) of title 28 shall apply.

(h) Relief from retaliatory actions.--

(1) In general.--Any employee, contractor, or agent shall be entitled to all relief necessary to make that employee, contractor, or agent whole, if that employee, contractor, or agent is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful acts done by the employee, contractor, agent or associated others in furtherance of an action under this section or other efforts to stop 1 or more violations of this subchapter.

(2) Relief.--Relief under paragraph (1) shall include reinstatement with the same seniority status that employee, contractor, or agent would have had but for the discrimination, 2 times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys' fees. An action under this subsection may be brought in the appropriate district court of the United States for the relief provided in this subsection.

(3) Limitation on bringing civil action.--A civil action under this subsection may not be brought more than 3 years after the date when the retaliation occurred.

31 USCS § 3731. False claims procedure

(a) A subpoena [subpoena] requiring the attendance of a witness at a trial or hearing conducted under section 3730 of this [title \[31 USCS § 3730\]](#) may be served at any place in the United States.

(b) A civil action under section 3730 [[31 USCS § 3730](#)] may not be brought—

1. more than 6 years after the date on which the violation of section 3729 [[31 USCS § 3729](#)] is committed, or
2. more than 3 years after the date when facts material to the right of action are known or reasonably should have been known by the official of the United States charged with responsibility to act in the circumstances, but in no event more than 10 years after the date on which the violation is committed, whichever occurs last.

(c) If the Government elects to intervene and proceed with an action brought under 3730(b) [[31 USCS § 3730\(b\)](#)], the Government may file its own complaint or amend the complaint of a person who has brought an action under section 3730(b) [[31 USCS § 3730\(b\)](#)] to clarify or add detail to the claims in which the Government is intervening and to add any additional claims with respect to which the Government contends it is entitled to relief. For statute of limitations purposes, any such Government pleading shall relate back to the filing date of the complaint of the person who originally brought the action, to the extent that the claim of the Government arises out of the conduct, transactions, or occurrences set forth, or attempted to be set forth, in the prior complaint of that person.

(d) In any action brought under section 3730 [[31 USCS § 3730](#)], the United States shall be required to prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.

- (e) Notwithstanding any other provision of law, the Federal Rules of Criminal Procedure, or the Federal Rules of Evidence, a final judgment rendered in favor of the United States in any criminal proceeding charging fraud or false statements, whether upon a verdict after trial or upon a plea of guilty or nolo contendere, shall estop the defendant from denying the essential elements of the offense in any action which involves the same transaction as in the criminal proceeding and which is brought under subsection (a) or (b) of section 3730 [[31 USCS § 3730](#)].

31 USCS § 3732. False claims jurisdiction

- (a) **Actions under section 3730.** Any action under section 3730 [[31 USCS § 3730](#)] may be brought in any judicial district in which the defendant or, in the case of multiple defendants, any one defendant can be found, resides, transacts business, or in which any act proscribed by section 3729 [[31 USCS § 3729](#)] occurred. A summons as required by the Federal Rules of Civil Procedure shall be issued by the appropriate district court and served at any place within or outside the United States.
- (b) **Claims under State law.** The district courts shall have jurisdiction over any action brought under the laws of any State for the recovery of funds paid by a State or local government if the action arises from the same transaction or occurrence as an action brought under section 3730 [[31 USCS § 3730](#)].
- (c) **Service on State or local authorities.** With respect to any State or local government that is named as a co-plaintiff with the United States in an action brought under subsection (b), a seal on the action ordered by the court under section 3730(b) [[31 USCS § 3730\(b\)](#)] shall not preclude the Government or the person bringing the action from serving the complaint, any other pleadings, or the written disclosure of substantially all material evidence and information possessed by the person bringing the action on the law enforcement authorities that are authorized under the law of that State or local government to investigate and prosecute such actions on behalf of such governments, except that such seal applies to the law enforcement authorities so served to the same extent as the seal applies to other parties in the action.

31 USCS § 3802. False Claims and Statements; Liability

(a)(1) Any person who makes, presents, or submits, or causes to be made, presented, or submitted, a claim that the person knows or has reason to know--

(A) is false, fictitious, or fraudulent;

(B) includes or is supported by any written statement which asserts a material fact which is false, fictitious, or fraudulent;

(C) includes or is supported by any written statement that--

(i) omits a material fact;

(ii) is false, fictitious, or fraudulent as a result of such omission; and

(iii) is a statement in which the person making, presenting, or submitting such statement has a duty to include such material fact; or

(D) is for payment for the provision of property or services which the person has not provided as claimed,

shall be subject to, in addition to any other remedy that may be prescribed by law, a civil penalty of not more than \$5,000 for each such claim. Except as provided in paragraph (3) of this subsection, such person shall also be subject to an assessment, in lieu of damages sustained by the United States because of such claim, of not more than twice the amount of such claim, or the portion of such claim, which is determined under this chapter to be in violation of the preceding sentence.

(2) Any person who makes, presents, or submits, or causes to be made, presented, or submitted, a written statement that--

(A) the person knows or has reason to know--

(i) asserts a material fact which is false, fictitious, or fraudulent; or

(ii)(I) omits a material fact; and

(II) is false, fictitious, or fraudulent as a result of such omission;

(B) in the case of a statement described in clause (ii) of subparagraph (A), is a statement in which the person making, presenting, or submitting such statement has a duty to include such material fact; and

(C) contains or is accompanied by an express certification or affirmation of the truthfulness and accuracy of the contents of the statement, shall be subject to, in addition to any other remedy that may be prescribed by law, a civil penalty of not more than \$5,000 for each such statement.

(3)(A) Except as provided in subparagraph (B), an assessment shall not be made under the second sentence of paragraph (1) with respect to a claim if payment by the Government has not been made on such claim.

(B) In the case of a claim described in [section 3801\(a\)\(3\)\(C\)](#), an assessment shall not be made under the second sentence of paragraph (1) in an amount that is more than double the value of the property, services, or money that was wrongfully withheld from the authority.

(b)(1) Except as provided in paragraphs (2) and (3) of this subsection--

(A) a determination under [section 3803\(a\)\(2\)](#) of this title that there is adequate evidence to believe that a person is liable under subsection (a) of this section; or

(B) a determination under [section 3803](#) of this title that a person is liable under subsection (a) of this section, may provide the authority with grounds for commencing any administrative or contractual action against such person which is authorized by law and which is in addition to any action against such person under this chapter.

(2) A determination referred to in paragraph (1) of this subsection may be used by the authority, but shall not require such authority, to commence any administrative or contractual action which is authorized by law.

(3) In the case of an administrative or contractual action to suspend or debar any person who is eligible to enter into contracts with the Federal Government, a determination referred to in paragraph (1) of this subsection shall not be considered as a conclusive determination of such person's responsibility pursuant to Federal procurement laws and regulations.

31 USCS § 3733. Civil investigative demands

(a) In general.

1. **Issuance and service.** Whenever the Attorney General, or a designee (for purposes of this section), has reason to believe that any person may be in possession, custody, or control of any documentary material or information relevant to a false claims law investigation, the Attorney General, or a designee, may, before commencing a civil proceeding under section 3730(a) [[31 USCS § 3730\(a\)](#)] or other false claims law, or making an election under section 3730(b) [[31 USCS § 3730\(b\)](#)], issue in writing and cause to be served upon such person, a civil investigative demand requiring such person--

- (A) to produce such documentary material for inspection and copying,
- (B) to answer in writing written interrogatories with respect to such documentary material or information,
- (C) to give oral testimony concerning such documentary material or information, or
- (D) to furnish any combination of such material, answers, or testimony.

The Attorney General may delegate the authority to issue civil investigative demands under this subsection. Whenever a civil investigative demand is an express demand for any product of discovery, the Attorney General, the Deputy Attorney General, or an Assistant Attorney General shall cause to be served, in any manner authorized by this section, a copy of such demand upon the person from whom the discovery was obtained and shall notify the person to whom such demand is issued of the date on which such copy was served. Any information obtained by the Attorney General or a designee of the Attorney General under this section may be shared with any qui tam relator if the Attorney General or designee determine it is necessary as part of any false claims act investigation.

2. **Contents and deadlines.**

- (A) Each civil investigative demand issued under paragraph (1) shall state the nature of the conduct constituting the alleged violation of a false claims law which is under investigation, and the applicable provision of law alleged to be violated.
- (B) If such demand is for the production of documentary material, the demand shall—
 - i. describe each class of documentary material to be produced with such definiteness and certainty as to permit such material to be fairly identified;
 - ii. prescribe a return date for each such class which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying; and
 - iii. identify the false claims law investigator to whom such material shall be made available.
- (C) If such demand is for answers to written interrogatories, the demand shall—
 - i. set forth with specificity the written interrogatories to be answered;
 - ii. (ii) prescribe dates at which time answers to written interrogatories shall be submitted; and
 - iii. identify the false claims law investigator to whom such answers shall be submitted.

- (D) If such demand is for the giving of oral testimony, the demand shall—
- i. prescribe a date, time, and place at which oral testimony shall be commenced;
 - ii. identify a false claims law investigator who shall conduct the examination and the custodian to whom the transcript of such examination shall be submitted;
 - iii. specify that such attendance and testimony are necessary to the conduct of the investigation;
 - iv. notify the person receiving the demand of the right to be accompanied by an attorney and any other representative; and
 - v. describe the general purpose for which the demand is being issued and the general nature of the testimony, including the primary areas of inquiry, which will be taken pursuant to the demand.
- (E) Any civil investigative demand issued under this section which is an express demand for any product of discovery shall not be returned or returnable until 20 days after a copy of such demand has been served upon the person from whom the discovery was obtained.
- (F) The date prescribed for the commencement of oral testimony pursuant to a civil investigative demand issued under this section shall be a date which is not less than seven days after the date on which demand is received, unless the Attorney General or an Assistant Attorney General designated by the Attorney General determines that exceptional circumstances are present which warrant the commencement of such testimony within a lesser period of time.
- (G) The Attorney General shall not authorize the issuance under this section of more than one civil investigative demand for oral testimony by the same person unless the person requests otherwise or unless the Attorney General, after investigation, notifies that person in writing that an additional demand for oral testimony is necessary.

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**PART III – STATE FALSE CLAIMS & FRAUD RELATED REGULATIONS**

Alphabetical listing by state: *(select CTRL + click on the specific state).*

|                                     |
|-------------------------------------|
| <a href="#"><u>California</u></a>   |
| <a href="#"><u>Florida</u></a>      |
| <a href="#"><u>Hawaii</u></a>       |
| <a href="#"><u>Idaho</u></a>        |
| <a href="#"><u>Louisiana</u></a>    |
| <a href="#"><u>New Mexico</u></a>   |
| <a href="#"><u>Pennsylvania</u></a> |
| <a href="#"><u>Texas</u></a>        |
| <a href="#"><u>Wyoming</u></a>      |

| State /Citation                               | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>California</u> /Cal Gov Code § 12650-12655 | <b>Criminal and Civil Penalties for False Claims and Statements</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                                               | <b>Other Helpful Information About Medicaid Fraud &amp; Reporting Fraud</b><br><i>State Bulletin/Notice - Section 6032 of the Deficit Reduction Act of 2005 – Education About False Claims Recovery</i><br><a href="https://www.dhcs.ca.gov/formsandpubs/Documents/MMCDAPLsandPolicyLetters/APL2007/MMCDAPL07007.pdf">https://www.dhcs.ca.gov/formsandpubs/Documents/MMCDAPLsandPolicyLetters/APL2007/MMCDAPL07007.pdf</a><br><a href="https://www.dhcs.ca.gov/formsandpubs/MHArchives/InfoNotice07-12.pdf">https://www.dhcs.ca.gov/formsandpubs/MHArchives/InfoNotice07-12.pdf</a><br><br>Office of Attorney General @ <a href="https://oag.ca.gov/bmfea/medical">https://oag.ca.gov/bmfea/medical</a><br><br>Cal Gov Code § 12650 - § 12656<br><b>False Claims Actions</b><br><a href="https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&amp;division=3.&amp;title=2.&amp;part=2.&amp;chapter=6.&amp;article=9">https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&amp;division=3.&amp;title=2.&amp;part=2.&amp;chapter=6.&amp;article=9</a> .<br><br>Cal Wel & Inst Code § 14107<br><b>Punishment for fraudulent claim or false information; Alternative remedies</b><br><a href="https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=WIC&amp;sectionNum=14107">https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=WIC&amp;sectionNum=14107</a> . |
|                                               | <b>Qui Tam Actions &amp; Remedies</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|                                               | <b>Cal Gov Code § 12652[c]</b><br><b>Investigations; Civil actions</b><br><a href="http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&amp;sectionNum=12652">http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&amp;sectionNum=12652</a> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|                                               | <b>Whistle-blower Protections</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|                                               | <b>Cal Gov Code § 12653</b><br><b>Prohibited actions by employers; Remedies</b><br><a href="http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&amp;sectionNum=12653">http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&amp;sectionNum=12653</a> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <u>Florida</u>                                | <b>Criminal and Civil Penalties for False Claims and Statements</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                                               | Other Helpful Information About Medicaid Fraud & Reporting Fraud                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

| State /Citation              | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| Fla. Stat. § 68.081, et seq. | <a href="https://ahca.myflorida.com/MCHQ/MPI/">https://ahca.myflorida.com/MCHQ/MPI/</a><br><a href="http://www.myfloridalegal.com/pages.nsf/Main/EBC480598BBF32D885256CC6005B54D1">http://www.myfloridalegal.com/pages.nsf/Main/EBC480598BBF32D885256CC6005B54D1</a><br><a href="https://ahca.myflorida.com/Executive/Inspector_General/complaints.shtml">https://ahca.myflorida.com/Executive/Inspector_General/complaints.shtml</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Fla. Stat. 409.913           | <a href="https://myfloridacfo.com/fraudfreeflorida/">https://myfloridacfo.com/fraudfreeflorida/</a><br><a href="https://myfloridacfo.com/docs-sf/workers-compensation-libraries/workers-comp-documents/brochures-and-guides/anti-fraudnotice.pdf?sfvrsn=c8fb3f77_4">https://myfloridacfo.com/docs-sf/workers-compensation-libraries/workers-comp-documents/brochures-and-guides/anti-fraudnotice.pdf?sfvrsn=c8fb3f77_4</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Fla. Stat. § 409.920         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Fla. Stat. § 409.9201        | Fla. Stat. § 68.081<br><a href="http://www.leq.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0000-0099/0068/Sections/0068.081.html">http://www.leq.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0000-0099/0068/Sections/0068.081.html</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Fla. Stat. § 409.9203        | Sections 68.081-68.092 may be cited as the "Florida False Claims Act."<br>📖 <b>History:</b> S. 1, <a href="#">ch. 94-316</a> ; s. 1, <a href="#">ch. 2007-236</a> , eff. July 1, 2007; s. 1, <a href="#">ch. 2013-104</a> , eff. July 1, 2013.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Fla. Stat. § 456.054         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Fla. Stat. § 458.331         | <b>§ 68.082. False claims against the state; definitions; liability</b><br><a href="http://www.leq.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0000-0099/0068/Sections/0068.082.html">http://www.leq.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0000-0099/0068/Sections/0068.082.html</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Fla. Stat. § 414.39          | (1) As used in this section, the term:<br><br>(a) "Claim" means any request or demand, whether under a contract or otherwise, for money or property, regardless of whether the state has title to the money or property, that:<br><br>1. Is presented to any employee, officer, or agent of the state; or<br><br>2. Is made to a contractor, grantee, or other recipient if the state provides or has provided any portion of the money or property requested or demanded, or if the state will reimburse the contractor, grantee, or other recipient for any portion of the money or property that is requested or demanded.<br><br>(b) "Department" means the Department of Legal Affairs, except as specifically provided in <a href="#">ss. 68.083</a> and <a href="#">68.084</a> .<br><br>(c) "Knowing" or "knowingly" means, with respect to information, that a person:<br><br>(1) Has actual knowledge of the information; |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|                 | <p>(2) Acts in deliberate ignorance of the truth or falsity of the information; or</p> <p>(3) Acts in reckless disregard of the truth or falsity of the information.</p> <p>No proof of specific intent to defraud is required. Innocent mistake shall be a defense to an action under this act.</p> <p>(d) "Material" means having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property.</p> <p>(e) "Obligation" means an established duty, fixed or otherwise, arising from an express or implied contractual, grantor-grantee, or licensor-licensee relationship, from a fee-based or similar relationship, from statute or regulation, or from the retention of any overpayment.</p> <p>(f) "State" means the government of the state or any department, division, bureau, commission, regional planning agency, board, district, authority, agency, or other instrumentality of the state.</p> <p>(2) Any person who:</p> <p>(a) Knowingly presents or causes to be presented a false or fraudulent claim for payment or approval;</p> <p>(b) Knowingly makes, uses, or causes to be made or used a false record or statement material to a false or fraudulent claim;</p> <p>(c) Conspires to commit a violation of this subsection;</p> <p>(d) Has possession, custody, or control of property or money used or to be used by the state and knowingly delivers or causes to be delivered less than all of that money or property;</p> <p>(e) Is authorized to make or deliver a document certifying receipt of property used or to be used by the state and, intending to defraud the state, makes or delivers the receipt without knowing that the information on the receipt is true;</p> <p>(f) Knowingly buys or receives, as a pledge of an obligation or a debt, public property from an officer or employee of the state who may not sell or pledge the property; or</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|                 | <p>(g) Knowingly makes, uses, or causes to be made or used a false record or statement material to an obligation to pay or transmit money or property to the state, or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the state is liable to the state for a civil penalty of not less than \$ 5,500 and not more than \$ 11,000 and for treble the amount of damages the state sustains because of the act of that person.</p> <p>(3) The court may reduce the treble damages authorized under subsection (2) if the court finds one or more of the following specific extenuating circumstances:</p> <p>(a) The person committing the violation furnished the department with all information known to the person about the violation within 30 days after the date on which the person first obtained the information;</p> <p>(b) The person fully cooperated with any official investigation of the violation; or</p> <p>(c) At the time the person furnished the department with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced under this section with respect to the violation, and the person did not have actual knowledge of the existence of an investigation into the violation;</p> <p>in which case the court shall award no less than 2 times the amount of damages sustained by the state because of the act of the person. The court shall set forth in a written order its findings and basis for reducing the treble damages award.</p> <p>🚩<b>History:</b> S. 2, <a href="#">ch. 94-316</a>; s. 2, <a href="#">ch. 2007-236</a>, eff. July 1, 2007; s. 2, <a href="#">ch. 2013-104</a>, eff. July 1, 2013.</p> <p><b>Fla. Stat. § 409.9201 - Medicaid fraud</b><br/><a href="http://www.leq.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0400-0499/0409/Sections/0409.9201.html">http://www.leq.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0400-0499/0409/Sections/0409.9201.html</a></p> <p>(1) As used in this section, the term:</p> <p>(a) “Prescription drug” means any drug, including, but not limited to, finished dosage forms or active ingredients that are subject to, defined in, or described in s. 503(b) of the Federal Food, Drug, and Cosmetic Act<sup>1</sup> or in <a href="#">s. 465.003</a>, <a href="#">s. 499.003(17)</a>, <a href="#">s. 499.007(13)</a>, or <a href="#">s. 499.82(10)</a>.</p> <p>(b) “Value” means the amount billed to the Medicaid program for the property dispensed or the market value of a legend drug or goods or services at the time and place of the offense. If the market value cannot be determined, the term means the replacement cost of the legend drug or goods or services within a reasonable time after the offense.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|                 | <p>(2) Any person who knowingly sells, who knowingly attempts or conspires to sell, or who knowingly causes any other person to sell or attempt or conspire to sell a legend drug that was paid for by the Medicaid program commits a felony.</p> <p>(a) If the value of the legend drug involved is less than \$20,000, the crime is a felony of the third degree, punishable as provided in <a href="#">s. 775.082</a>, <a href="#">s. 775.083</a>, or <a href="#">s. 775.084</a>.</p> <p>(b) If the value of the legend drug involved is \$20,000 or more but less than \$100,000, the crime is a felony of the second degree, punishable as provided in <a href="#">s. 775.082</a>, <a href="#">s. 775.083</a>, or <a href="#">s. 775.084</a>.</p> <p>(c) If the value of the legend drug involved is \$100,000 or more, the crime is a felony of the first degree, punishable as provided in <a href="#">s. 775.082</a>, <a href="#">s. 775.083</a>, or <a href="#">s. 775.084</a>.</p> <p>(3) Any person who knowingly purchases, or who knowingly attempts or conspires to purchase, a legend drug that was paid for by the Medicaid program and intended for use by another person commits a felony.</p> <p>(a) If the value of the legend drug is less than \$20,000, the crime is a felony of the third degree, punishable as provided in <a href="#">s. 775.082</a>, <a href="#">s. 775.083</a>, or <a href="#">s. 775.084</a>.</p> <p>(b) If the value of the legend drug is \$20,000 or more but less than \$100,000, the crime is a felony of the second degree, punishable as provided in <a href="#">s. 775.082</a>, <a href="#">s. 775.083</a>, or <a href="#">s. 775.084</a>.</p> <p>(c) If the value of the legend drug is \$100,000 or more, the crime is a felony of the first degree, punishable as provided in <a href="#">s. 775.082</a>, <a href="#">s. 775.083</a>, or <a href="#">s. 775.084</a>.</p> <p>(4) Any person who knowingly makes or knowingly causes to be made, or who attempts or conspires to make, any false statement or representation to any person for the purpose of obtaining goods or services from the Medicaid program commits a felony.</p> <p>(a) If the value of the goods or services is less than \$20,000, the crime is a felony of the third degree, punishable as provided in <a href="#">s. 775.082</a>, <a href="#">s. 775.083</a>, or <a href="#">s. 775.084</a>.</p> <p>(b) If the value of the goods or services is \$20,000 or more but less than \$100,000, the crime is a felony of the second degree, punishable as provided in <a href="#">s. 775.082</a>, <a href="#">s. 775.083</a>, or <a href="#">s. 775.084</a>.</p> <p>(c) If the value of the goods or services involved is \$100,000 or more, the crime is a felony of the first degree, punishable as provided in <a href="#">s. 775.082</a>, <a href="#">s. 775.083</a>, or <a href="#">s. 775.084</a>.</p> <p>The value of individual items of the legend drugs or goods or services involved in distinct transactions committed during a single scheme or course of conduct, whether involving a single person or several persons, may be aggregated when determining the punishment for the offense.</p> <p>Credits</p> <p><b>Added by <a href="#">Laws 2004, c. 2004-344, § 9, eff. July 1, 2004</a>. Amended by <a href="#">Laws 2008, c. 2008-207, § 38, eff. July 1, 2008</a>; <a href="#">Laws 2010, c. 2010-161, § 37, eff. July 1, 2010</a>; <a href="#">Laws 2014, c. 2014-89, § 32, eff. Oct. 1, 2014</a>; <a href="#">Laws 2016, c. 2016-145, § 12, eff. July 1, 2016</a>; <a href="#">Laws 2016, c. 2016-212, § 18, eff. July 1, 2016</a>; <a href="#">Laws 2017, c. 2017-3, § 26, eff. July 7, 2017</a>; <a href="#">Laws 2022, c. 2022-35, § 13, eff. July 1, 2022</a>.</b></p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|                 | <p><b>Fla. Stat. § 409.913 - Oversight of the integrity of the Medicaid program</b><br/><a href="http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0400-0499/0409/Sections/0409.913.html">http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0400-0499/0409/Sections/0409.913.html</a></p> <p>The agency shall operate a program to oversee the activities of Florida Medicaid recipients, and providers and their representatives, to ensure that fraudulent and abusive behavior and neglect of recipients occur to the minimum extent possible, and to recover overpayments and impose sanctions as appropriate. Each January 15, the agency and the Medicaid Fraud Control Unit of the Department of Legal Affairs shall submit a report to the Legislature documenting the effectiveness of the state's efforts to control Medicaid fraud and abuse and to recover Medicaid overpayments during the previous fiscal year. The report must describe the number of cases opened and investigated each year; the sources of the cases opened; the disposition of the cases closed each year; the amount of overpayments alleged in preliminary and final audit letters; the number and amount of fines or penalties imposed; any reductions in overpayment amounts negotiated in settlement agreements or by other means; the amount of final agency determinations of overpayments; the amount deducted from federal claiming as a result of overpayments; the amount of overpayments recovered each year; the amount of cost of investigation recovered each year; the average length of time to collect from the time the case was opened until the overpayment is paid in full; the amount determined as uncollectible and the portion of the uncollectible amount subsequently reclaimed from the Federal Government; the number of providers, by type, that are terminated from participation in the Medicaid program as a result of fraud and abuse; and all costs associated with discovering and prosecuting cases of Medicaid overpayments and making recoveries in such cases. The report must also document actions taken to prevent overpayments and the number of providers prevented from enrolling in or reenrolling in the Medicaid program as a result of documented Medicaid fraud and abuse and must include policy recommendations necessary to prevent or recover overpayments and changes necessary to prevent and detect Medicaid fraud. All policy recommendations in the report must include a detailed fiscal analysis, including, but not limited to, implementation costs, estimated savings to the Medicaid program, and the return on investment. The agency must submit the policy recommendations and fiscal analyses in the report to the appropriate estimating conference, pursuant to <a href="#">s. 216.137</a>, by February 15 of each year. The agency and the Medicaid Fraud Control Unit of the Department of Legal Affairs each must include detailed unit-specific performance standards, benchmarks, and metrics in the report, including projected cost savings to the state Medicaid program during the following fiscal year.</p> <p>(1) For the purposes of this section, the term:</p> <p>(a) “Abuse” means:</p> <ol style="list-style-type: none"><li>1. Provider practices that are inconsistent with generally accepted business or medical practices and that result in an unnecessary cost to the Medicaid program or in reimbursement for goods or services that are not medically necessary or that fail to meet professionally recognized standards for health care.</li><li>2. Recipient practices that result in unnecessary cost to the Medicaid program.</li></ol> <p>(b) “Complaint” means an allegation that fraud, abuse, or an overpayment has occurred.</p> <p>(c) “Fraud” means an intentional deception or misrepresentation made by a person with the knowledge that the deception results in unauthorized benefit to herself or himself or another person. The term includes any act that constitutes fraud under applicable federal or state law.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|                 | <p>(d) “Medical necessity” or “medically necessary” means any goods or services necessary to palliate the effects of a terminal condition, or to prevent, diagnose, correct, cure, alleviate, or preclude deterioration of a condition that threatens life, causes pain or suffering, or results in illness or infirmity, which goods or services are provided in accordance with generally accepted standards of medical practice. For purposes of determining Medicaid reimbursement, the agency is the final arbiter of medical necessity. Determinations of medical necessity must be made by a licensed physician employed by or under contract with the agency, except for behavior analysis services, which may be determined by either a licensed physician or a doctoral-level board-certified behavior analyst. Determinations must be based upon information available at the time the goods or services are requested.</p> <p>(e) “Overpayment” includes any amount that is not authorized to be paid by the Medicaid program whether paid as a result of inaccurate or improper cost reporting, improper claiming, unacceptable practices, fraud, abuse, or mistake.</p> <p>(f) “Person” means any natural person, corporation, partnership, association, clinic, group, or other entity, whether or not such person is enrolled in the Medicaid program or is a provider of health care.</p> <p>(2) The agency shall conduct, or cause to be conducted by contract or otherwise, reviews, investigations, analyses, audits, or any combination thereof, to determine possible fraud, abuse, overpayment, or recipient neglect in the Medicaid program and shall report the findings of any overpayments in audit reports as appropriate. At least 5 percent of all audits shall be conducted on a random basis. As part of its ongoing fraud detection activities, the agency shall identify and monitor, by contract or otherwise, patterns of overutilization of Medicaid services based on state averages. The agency shall track Medicaid provider prescription and billing patterns and evaluate them against Medicaid medical necessity criteria and coverage and limitation guidelines adopted by rule. Medical necessity determination requires that service be consistent with symptoms or confirmed diagnosis of illness or injury under treatment and not in excess of the patient's needs. The agency shall conduct reviews of provider exceptions to peer group norms and shall, using statistical methodologies, provider profiling, and analysis of billing patterns, detect and investigate abnormal or unusual increases in billing or payment of claims for Medicaid services and medically unnecessary provision of services.</p> <p>(3) The agency may conduct, or may contract for, prepayment review of provider claims to ensure cost-effective purchasing; to ensure that billing by a provider to the agency is in accordance with applicable provisions of all Medicaid rules, regulations, handbooks, and policies and in accordance with federal, state, and local law; and to ensure that appropriate care is rendered to Medicaid recipients. Such prepayment reviews may be conducted as determined appropriate by the agency, without any suspicion or allegation of fraud, abuse, or neglect, and may last for up to 1 year. Unless the agency has reliable evidence of fraud, misrepresentation, abuse, or neglect, claims shall be adjudicated for denial or payment within 90 days after receipt of complete documentation by the agency for review. If there is reliable evidence of fraud, misrepresentation, abuse, or neglect, claims shall be adjudicated for denial of payment within 180 days after receipt of complete documentation by the agency for review.</p> <p>(4) Any suspected criminal violation identified by the agency must be referred to the Medicaid Fraud Control Unit of the Office of the Attorney General for investigation. The agency and the Attorney General shall enter into a memorandum of understanding, which must include, but need not be limited to, a protocol for regularly sharing information and coordinating casework. The protocol must establish a procedure for the referral by the agency of cases involving suspected Medicaid fraud to the Medicaid Fraud Control Unit for investigation, and the return to the agency of those cases where investigation determines that administrative action by the agency is appropriate. Offices of the Medicaid program integrity program and the Medicaid Fraud Control Unit</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|                 | <p>of the Department of Legal Affairs, shall, to the extent possible, be collocated. The agency and the Department of Legal Affairs shall periodically conduct joint training and other joint activities designed to increase communication and coordination in recovering overpayments.</p> <p>(5) A Medicaid provider is subject to having goods and services that are paid for by the Medicaid program reviewed by an appropriate peer-review organization designated by the agency. The written findings of the applicable peer-review organization are admissible in any court or administrative proceeding as evidence of medical necessity or the lack thereof.</p> <p>(6) Any notice required to be given to a provider under this section is presumed to be sufficient notice if sent to the address last shown on the provider enrollment file. It is the responsibility of the provider to furnish and keep the agency informed of the provider's current address. United States Postal Service proof of mailing or certified or registered mailing of such notice to the provider at the address shown on the provider enrollment file constitutes sufficient proof of notice. Any notice required to be given to the agency by this section must be sent to the agency at an address designated by rule.</p> <p>(7) When presenting a claim for payment under the Medicaid program, a provider has an affirmative duty to supervise the provision of, and be responsible for, goods and services claimed to have been provided, to supervise and be responsible for preparation and submission of the claim, and to present a claim that is true and accurate and that is for goods and services that:</p> <ul style="list-style-type: none"><li>(a) Have actually been furnished to the recipient by the provider prior to submitting the claim.</li><li>(b) Are Medicaid-covered goods or services that are medically necessary.</li><li>(c) Are of a quality comparable to those furnished to the general public by the provider's peers.</li><li>(d) Have not been billed in whole or in part to a recipient or a recipient's responsible party, except for such copayments, coinsurance, or deductibles as are authorized by the agency.</li><li>(e) Are provided in accord with applicable provisions of all Medicaid rules, regulations, handbooks, and policies and in accordance with federal, state, and local law.</li><li>(f) Are documented by records made at the time the goods or services were provided, demonstrating the medical necessity for the goods or services rendered. Medicaid goods or services are excessive or not medically necessary unless both the medical basis and the specific need for them are fully and properly documented in the recipient's medical record.</li></ul> <p>The agency shall deny payment or require repayment for goods or services that are not presented as required in this subsection.</p> <p>(8) The agency shall not reimburse any person or entity for any prescription for medications, medical supplies, or medical services if the prescription was written by a physician or other prescribing practitioner who is not enrolled in the Medicaid program. This section does not apply:</p> <ul style="list-style-type: none"><li>(a) In instances involving bona fide emergency medical conditions as determined by the agency;</li><li>(b) To a provider of medical services to a patient in a hospital emergency department, hospital inpatient or outpatient setting, or nursing home;</li><li>(c) To bona fide pro bono services by preapproved non-Medicaid providers as determined by the agency;</li><li>(d) To prescribing physicians who are board-certified specialists treating Medicaid recipients referred for treatment by a treating physician who is enrolled in the Medicaid program;</li></ul> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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|                 | <p>(e) To prescriptions written for dually eligible Medicare beneficiaries by an authorized Medicare provider who is not enrolled in the Medicaid program; or</p> <p>(f) To other physicians who are not enrolled in the Medicaid program but who provide a medically necessary service or prescription not otherwise reasonably available from a Medicaid-enrolled physician.</p> <p>(9) A Medicaid provider shall retain medical, professional, financial, and business records pertaining to services and goods furnished to a Medicaid recipient and billed to Medicaid for a period of 5 years after the date of furnishing such services or goods. The agency may investigate, review, or analyze such records, which must be made available during normal business hours. However, 24-hour notice must be provided if patient treatment would be disrupted. The provider must keep the agency informed of the location of the provider's Medicaid-related records. The authority of the agency to obtain Medicaid-related records from a provider is neither curtailed nor limited during a period of litigation between the agency and the provider.</p> <p>(10) Payments for the services of billing agents or persons participating in the preparation of a Medicaid claim shall not be based on amounts for which they bill nor based on the amount a provider receives from the Medicaid program.</p> <p>(11) The agency shall deny payment or require repayment for inappropriate, medically unnecessary, or excessive goods or services from the person furnishing them, the person under whose supervision they were furnished, or the person causing them to be furnished.</p> <p>(12) The complaint and all information obtained pursuant to an investigation of a Medicaid provider, or the authorized representative or agent of a provider, relating to an allegation of fraud, abuse, or neglect are confidential and exempt from the provisions of <a href="#">s. 119.07(1)</a>:</p> <p>(a) Until the agency takes final agency action with respect to the provider and requires repayment of any overpayment, or imposes an administrative sanction;</p> <p>(b) Until the Attorney General refers the case for criminal prosecution;</p> <p>(c) Until 10 days after the complaint is determined without merit; or</p> <p>(d) At all times if the complaint or information is otherwise protected by law.</p> <p>(13) The agency shall terminate participation of a Medicaid provider in the Medicaid program and may seek civil remedies or impose other administrative sanctions against a Medicaid provider, if the provider or any principal, officer, director, agent, managing employee, or affiliated person of the provider, or any partner or shareholder having an ownership interest in the provider equal to 5 percent or greater, has been convicted of a criminal offense under federal law or the law of any state relating to the practice of the provider's profession, or a criminal offense listed under <a href="#">s. 408.809(4)</a>, <a href="#">s. 409.907(10)</a>, or <a href="#">s. 435.04(2)</a>. If the agency determines that the provider did not participate or acquiesce in the offense, termination will not be imposed. If the agency effects a termination under this subsection, the agency shall take final agency action.</p> <p>(14) If the provider has been suspended or terminated from participation in the Medicaid program or the Medicare program by the Federal Government or any state, the agency must immediately suspend or terminate, as appropriate, the provider's participation in this state's Medicaid program for a period no less than that imposed by the Federal Government or any other state, and may not enroll such provider in this state's Medicaid program while such foreign suspension or termination remains in effect. The agency shall also immediately suspend or terminate, as appropriate, a provider's participation in this state's Medicaid program if the provider participated or acquiesced in any action for which any principal, officer, director, agent, managing employee, or affiliated person of the provider, or any partner or shareholder having an ownership interest in the provider equal to 5 percent or greater, was suspended or</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|                 | <p>terminated from participating in the Medicaid program or the Medicare program by the Federal Government or any state. This sanction is in addition to all other remedies provided by law.</p> <p>(15) The agency shall seek a remedy provided by law, including, but not limited to, any remedy provided in subsections (13) and (16) and <a href="#">s. 812.035</a>, if:</p> <p>(a) The provider's license has not been renewed, or has been revoked, suspended, or terminated, for cause, by the licensing agency of any state;</p> <p>(b) The provider has failed to make available or has refused access to Medicaid-related records to an auditor, investigator, or other authorized employee or agent of the agency, the Attorney General, a state attorney, or the Federal Government;</p> <p>(c) The provider has not furnished or has failed to make available such Medicaid-related records as the agency has found necessary to determine whether Medicaid payments are or were due and the amounts thereof;</p> <p>(d) The provider has failed to maintain medical records made at the time of service, or prior to service if prior authorization is required, demonstrating the necessity and appropriateness of the goods or services rendered;</p> <p>(e) The provider is not in compliance with provisions of Medicaid provider publications that have been adopted by reference as rules in the Florida Administrative Code; with provisions of state or federal laws, rules, or regulations; with provisions of the provider agreement between the agency and the provider; or with certifications found on claim forms or on transmittal forms for electronically submitted claims that are submitted by the provider or authorized representative, as such provisions apply to the Medicaid program;</p> <p>(f) The provider or person who ordered, authorized, or prescribed the care, services, or supplies has furnished, or ordered or authorized the furnishing of, goods or services to a recipient which are inappropriate, unnecessary, excessive, or harmful to the recipient or are of inferior quality;</p> <p>(g) The provider has demonstrated a pattern of failure to provide goods or services that are medically necessary;</p> <p>(h) The provider or an authorized representative of the provider, or a person who ordered, authorized, or prescribed the goods or services, has submitted or caused to be submitted false or a pattern of erroneous Medicaid claims;</p> <p>(i) The provider or an authorized representative of the provider, or a person who has ordered, authorized, or prescribed the goods or services, has submitted or caused to be submitted a Medicaid provider enrollment application, a request for prior authorization for Medicaid services, a drug exception request, or a Medicaid cost report that contains materially false or incorrect information;</p> <p>(j) The provider or an authorized representative of the provider has collected from or billed a recipient or a recipient's responsible party improperly for amounts that should not have been so collected or billed by reason of the provider's billing the Medicaid program for the same service;</p> <p>(k) The provider or an authorized representative of the provider has included in a cost report costs that are not allowable under a Florida Title XIX reimbursement plan after the provider or authorized representative had been advised in an audit exit conference or audit report that the costs were not allowable;</p> <p>(l) The provider is charged by information or indictment with fraudulent billing practices or an offense referenced in subsection (13). The sanction applied for this reason is limited to suspension of the provider's participation in the Medicaid program for the duration of the indictment unless the provider is found guilty pursuant to the information or indictment;</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|                 | <p>(m) The provider or a person who ordered, authorized, or prescribed the goods or services is found liable for negligent practice resulting in death or injury to the provider's patient;</p> <p>(n) The provider fails to demonstrate that it had available during a specific audit or review period sufficient quantities of goods, or sufficient time in the case of services, to support the provider's billings to the Medicaid program;</p> <p>(o) The provider has failed to comply with the notice and reporting requirements of <a href="#">s. 409.907</a>;</p> <p>(p) The agency has received reliable information of patient abuse or neglect or of any act prohibited by <a href="#">s. 409.920</a>; or</p> <p>(q) The provider has failed to comply with an agreed-upon repayment schedule.</p> <p>A provider is subject to sanctions for violations of this subsection as the result of actions or inactions of the provider, or actions or inactions of any principal, officer, director, agent, managing employee, or affiliated person of the provider, or any partner or shareholder having an ownership interest in the provider equal to 5 percent or greater, in which the provider participated or acquiesced.</p> <p>(16) The agency shall impose any of the following sanctions or disincentives on a provider or a person for any of the acts described in subsection (15):</p> <p>(a) Suspension for a specific period of time of not more than 1 year. Suspension precludes participation in the Medicaid program, which includes any action that results in a claim for payment to the Medicaid program for furnishing, supervising a person who is furnishing, or causing a person to furnish goods or services.</p> <p>(b) Termination for a specific period of time ranging from more than 1 year to 20 years. Termination precludes participation in the Medicaid program, which includes any action that results in a claim for payment to the Medicaid program for furnishing, supervising a person who is furnishing, or causing a person to furnish goods or services.</p> <p>(c) Imposition of a fine of up to \$5,000 for each violation. Each day that an ongoing violation continues, such as refusing to furnish Medicaid-related records or refusing access to records, is considered a separate violation. Each instance of improper billing of a Medicaid recipient; each instance of including an unallowable cost on a hospital or nursing home Medicaid cost report after the provider or authorized representative has been advised in an audit exit conference or previous audit report of the cost unallowability; each instance of furnishing a Medicaid recipient goods or professional services that are inappropriate or of inferior quality as determined by competent peer judgment; each instance of knowingly submitting a materially false or erroneous Medicaid provider enrollment application, request for prior authorization for Medicaid services, drug exception request, or cost report; each instance of inappropriate prescribing of drugs for a Medicaid recipient as determined by competent peer judgment; and each false or erroneous Medicaid claim leading to an overpayment to a provider is considered a separate violation.</p> <p>(d) Immediate suspension, if the agency has received information of patient abuse or neglect or of any act prohibited by <a href="#">s. 409.920</a>. Upon suspension, the agency must issue an immediate final order under <a href="#">s. 120.569(2)(n)</a>.</p> <p>(e) A fine, not to exceed \$10,000, for a violation of paragraph (15)(i).</p> <p>(f) Imposition of liens against provider assets, including, but not limited to, financial assets and real property, not to exceed the amount of fines or recoveries sought, upon entry of an order determining that such moneys are due or recoverable.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|                 | <p>(g) Prepayment reviews of claims for a specified period of time.</p> <p>(h) Comprehensive followup reviews of providers every 6 months to ensure that they are billing Medicaid correctly.</p> <p>(i) Corrective action plans that remain in effect for up to 3 years and that are monitored by the agency every 6 months while in effect.</p> <p>(j) Other remedies as permitted by law to effect the recovery of a fine or overpayment.</p> <p>If a provider voluntarily relinquishes its Medicaid provider number or an associated license, or allows the associated licensure to expire after receiving written notice that the agency is conducting, or has conducted, an audit, survey, inspection, or investigation and that a sanction of suspension or termination will or would be imposed for noncompliance discovered as a result of the audit, survey, inspection, or investigation, the agency shall impose the sanction of termination for cause against the provider. The agency's termination with cause is subject to hearing rights as may be provided under chapter 120. The Secretary of Health Care Administration may make a determination that imposition of a sanction or disincentive is not in the best interest of the Medicaid program, in which case a sanction or disincentive may not be imposed.</p> <p>(17) In determining the appropriate administrative sanction to be applied, or the duration of any suspension or termination, the agency shall consider:</p> <p>(a) The seriousness and extent of the violation or violations.</p> <p>(b) Any prior history of violations by the provider relating to the delivery of health care programs which resulted in either a criminal conviction or in administrative sanction or penalty.</p> <p>(c) Evidence of continued violation within the provider's management control of Medicaid statutes, rules, regulations, or policies after written notification to the provider of improper practice or instance of violation.</p> <p>(d) The effect, if any, on the quality of medical care provided to Medicaid recipients as a result of the acts of the provider.</p> <p>(e) Any action by a licensing agency respecting the provider in any state in which the provider operates or has operated.</p> <p>(f) The apparent impact on access by recipients to Medicaid services if the provider is suspended or terminated, in the best judgment of the agency.</p> <p>The agency shall document the basis for all sanctioning actions and recommendations.</p> <p>(18) The agency may take action to sanction, suspend, or terminate a particular provider working for a group provider, and may suspend or terminate Medicaid participation at a specific location, rather than or in addition to taking action against an entire group.</p> <p>(19) The agency shall establish a process for conducting followup reviews of a sampling of providers who have a history of overpayment under the Medicaid program. This process must consider the magnitude of previous fraud or abuse and the potential effect of continued fraud or abuse on Medicaid costs.</p> <p>(20) In making a determination of overpayment to a provider, the agency must use accepted and valid auditing, accounting, analytical, statistical, or peer-review methods, or combinations thereof. Appropriate statistical methods may include, but are not limited to, sampling and extension to the population, parametric and nonparametric statistics, tests of hypotheses, and other generally accepted statistical methods. Appropriate analytical methods may include, but are not limited to, reviews to determine variances between the quantities of products that a provider had on hand and available to be purveyed to Medicaid recipients during the review period and the quantities of the same products paid for by the Medicaid program for the same period, taking into</p> |

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|                 | <p>appropriate consideration sales of the same products to non-Medicaid customers during the same period. In meeting its burden of proof in any administrative or court proceeding, the agency may introduce the results of such statistical methods as evidence of overpayment.</p> <p>(21) When making a determination that an overpayment has occurred, the agency shall prepare and issue an audit report to the provider showing the calculation of overpayments. The agency's determination must be based solely upon information available to it before issuance of the audit report and, in the case of documentation obtained to substantiate claims for Medicaid reimbursement, based solely upon contemporaneous records. The agency may consider addenda or modifications to a note that was made contemporaneously with the patient care episode if the addenda or modifications are germane to the note.</p> <p>(22) The audit report, supported by agency work papers, showing an overpayment to a provider constitutes evidence of the overpayment. A provider may not present or elicit testimony on direct examination or cross-examination in any court or administrative proceeding, regarding the purchase or acquisition by any means of drugs, goods, or supplies; sales or divestment by any means of drugs, goods, or supplies; or inventory of drugs, goods, or supplies, unless such acquisition, sales, divestment, or inventory is documented by written invoices, written inventory records, or other competent written documentary evidence maintained in the normal course of the provider's business. A provider may not present records to contest an overpayment or sanction unless such records are contemporaneous and, if requested during the audit process, were furnished to the agency or its agent upon request. This limitation does not apply to Medicaid cost report audits. This limitation does not preclude consideration by the agency of addenda or modifications to a note if the addenda or modifications are made before notification of the audit, the addenda or modifications are germane to the note, and the note was made contemporaneously with a patient care episode. Notwithstanding the applicable rules of discovery, all documentation to be offered as evidence at an administrative hearing on a Medicaid overpayment or an administrative sanction must be exchanged by all parties at least 14 days before the administrative hearing or be excluded from consideration.</p> <p>(23)(a) In an audit, investigation, or enforcement action for a violation committed by a provider which is conducted or taken pursuant to this section, the agency or contractor is entitled to recover any and all investigative and legal costs incurred as a result of such audit, investigation, or enforcement action. Such costs may include, but are not limited to, salaries and benefits of personnel, costs related to the time spent by an attorney and other personnel working on the case, and any other expenses incurred by the agency or contractor that are associated with the case, including any expert witness costs and attorney fees incurred on behalf of the agency or contractor if the agency's findings were not contested by the provider or, if contested, the agency ultimately prevailed.</p> <p>(b) The agency has the burden of documenting the costs, which include salaries and employee benefits and out-of-pocket expenses. The amount of costs that may be recovered must be reasonable in relation to the seriousness of the violation and must be set taking into consideration the financial resources, earning ability, and needs of the provider, who has the burden of demonstrating such factors.</p> <p>(c) The provider may pay the costs over a period to be determined by the agency if the agency determines that an extreme hardship would result to the provider from immediate full payment. Any default in payment of costs may be collected by any means authorized by law.</p> <p>(24) If the agency imposes an administrative sanction pursuant to subsection (13), subsection (14), or subsection (15), except paragraphs (15)(e) and (o), upon any provider or any principal, officer, director, agent, managing employee, or affiliated person of the provider who is regulated by another state entity,</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|                 | <p>the agency shall notify that other entity of the imposition of the sanction within 5 business days. Such notification must include the provider's or person's name and license number and the specific reasons for sanction.</p> <p>(25)(a) The agency shall withhold Medicaid payments, in whole or in part, to a provider upon receipt of reliable evidence that the circumstances giving rise to the need for a withholding of payments involve fraud, willful misrepresentation, or abuse under the Medicaid program, or a crime committed while rendering goods or services to Medicaid recipients. If it is determined that fraud, willful misrepresentation, abuse, or a crime did not occur, the payments withheld must be paid to the provider within 14 days after such determination. Amounts not paid within 14 days accrue interest at the rate of 10 percent per year, beginning after the 14th day.</p> <p>(b) The agency shall deny payment, or require repayment, if the goods or services were furnished, supervised, or caused to be furnished by a person who has been suspended or terminated from the Medicaid program or Medicare program by the Federal Government or any state.</p> <p>(c) Overpayments owed to the agency bear interest at the rate of 10 percent per year from the date of final determination of the overpayment by the agency, and payment arrangements must be made within 30 days after the date of the final order, which is not subject to further appeal.</p> <p>(d) The agency, upon entry of a final agency order, a judgment or order of a court of competent jurisdiction, or a stipulation or settlement, may collect the moneys owed by all means allowable by law, including, but not limited to, notifying any fiscal intermediary of Medicare benefits that the state has a superior right of payment. Upon receipt of such written notification, the Medicare fiscal intermediary shall remit to the state the sum claimed.</p> <p>(e) The agency may institute amnesty programs to allow Medicaid providers the opportunity to voluntarily repay overpayments. The agency may adopt rules to administer such programs.</p> <p>(26) The agency may impose administrative sanctions against a Medicaid recipient, or the agency may seek any other remedy provided by law, including, but not limited to, the remedies provided in <a href="#">s. 812.035</a>, if the agency finds that a recipient has engaged in solicitation in violation of <a href="#">s. 409.920</a> or that the recipient has otherwise abused the Medicaid program.</p> <p>(27) When the Agency for Health Care Administration has made a probable cause determination and alleged that an overpayment to a Medicaid provider has occurred, the agency, after notice to the provider, shall:</p> <p>(a) Withhold, and continue to withhold during the pendency of an administrative hearing pursuant to chapter 120, any medical assistance reimbursement payments until such time as the overpayment is recovered, unless within 30 days after receiving notice thereof the provider:</p> <ol style="list-style-type: none"><li>1. Makes repayment in full; or</li><li>2. Establishes a repayment plan that is satisfactory to the Agency for Health Care Administration.</li></ol> <p>(b) Withhold, and continue to withhold during the pendency of an administrative hearing pursuant to chapter 120, medical assistance reimbursement payments if the terms of a repayment plan are not adhered to by the provider.</p> <p>(28) Venue for all Medicaid program integrity cases lies in Leon County, at the discretion of the agency.</p> <p>(29) Notwithstanding other provisions of law, the agency and the Medicaid Fraud Control Unit of the Department of Legal Affairs may review a provider's Medicaid-related and non-Medicaid-related records in order to determine the total output of a provider's practice to reconcile quantities of goods or services billed to Medicaid with quantities of goods or services used in the provider's total practice.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|                 | <p>(30) The agency shall terminate a provider's participation in the Medicaid program if the provider fails to reimburse an overpayment or pay an agency-imposed fine that has been determined by final order, not subject to further appeal, within 30 days after the date of the final order, unless the provider and the agency have entered into a repayment agreement.</p> <p>(31) If a provider requests an administrative hearing pursuant to chapter 120, such hearing must be conducted within 90 days following assignment of an administrative law judge, absent exceptionally good cause shown as determined by the administrative law judge or hearing officer. Upon issuance of a final order, the outstanding balance of the amount determined to constitute the overpayment and fines is due. If a provider fails to make payments in full, fails to enter into a satisfactory repayment plan, or fails to comply with the terms of a repayment plan or settlement agreement, the agency shall withhold reimbursement payments for Medicaid services until the amount due is paid in full.</p> <p>(32) Duly authorized agents and employees of the agency shall have the power to inspect, during normal business hours, the records of any pharmacy, wholesale establishment, or manufacturer, or any other place in which drugs and medical supplies are manufactured, packed, packaged, made, stored, sold, or kept for sale, for the purpose of verifying the amount of drugs and medical supplies ordered, delivered, or purchased by a provider. The agency shall provide at least 2 business days' prior notice of any such inspection. The notice must identify the provider whose records will be inspected, and the inspection shall include only records specifically related to that provider.</p> <p>(33) In accordance with federal law, Medicaid recipients convicted of a crime pursuant to <a href="#">42 U.S.C. s. 1320a-7b</a> may be limited, restricted, or suspended from Medicaid eligibility for a period not to exceed 1 year, as determined by the agency head or designee.</p> <p>(34) To deter fraud and abuse in the Medicaid program, the agency may limit the number of Schedule II and Schedule III refill prescription claims submitted from a pharmacy provider. The agency shall limit the allowable amount of reimbursement of prescription refill claims for Schedule II and Schedule III pharmaceuticals if the agency or the Medicaid Fraud Control Unit determines that the specific prescription refill was not requested by the Medicaid recipient or authorized representative for whom the refill claim is submitted or was not prescribed by the recipient's medical provider or physician. Any such refill request must be consistent with the original prescription.</p> <p>(35) The Office of Program Policy Analysis and Government Accountability shall provide a report to the President of the Senate and the Speaker of the House of Representatives on a biennial basis, beginning January 31, 2006, on the agency's efforts to prevent, detect, and deter, as well as recover funds lost to, fraud and abuse in the Medicaid program.</p> <p>(36) The agency may provide to a sample of Medicaid recipients or their representatives through the distribution of explanations of benefits information about services reimbursed by the Medicaid program for goods and services to such recipients, including information on how to report inappropriate or incorrect billing to the agency or other law enforcement entities for review or investigation, information on how to report criminal Medicaid fraud to the Medicaid Fraud Control Unit's toll-free hotline number, and information about the rewards available under <a href="#">s. 409.9203</a>. The explanation of benefits may not be mailed for Medicaid independent laboratory services as described in <a href="#">s. 409.905(7)</a> or for Medicaid certified match services as described in <a href="#">ss. 409.9071</a> and <a href="#">1011.70</a>.</p> <p>(37) The agency shall post on its website a current list of each Medicaid provider, including any principal, officer, director, agent, managing employee, or affiliated person of the provider, or any partner or shareholder having an ownership interest in the provider equal to 5 percent or greater, who has been</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|                 | <p>terminated for cause from the Medicaid program or sanctioned under this section. The list must be searchable by a variety of search parameters and provide for the creation of formatted lists that may be printed or imported into other applications, including spreadsheets. The agency shall update the list at least monthly.</p> <p>(38) In order to improve the detection of health care fraud, use technology to prevent and detect fraud, and maximize the electronic exchange of health care fraud information, the agency shall:</p> <p>(a) Compile, maintain, and publish on its website a detailed list of all state and federal databases that contain health care fraud information and update the list at least biannually;</p> <p>(b) Develop a strategic plan to connect all databases that contain health care fraud information to facilitate the electronic exchange of health information between the agency, the Department of Health, the Department of Law Enforcement, and the Attorney General's Office. The plan must include recommended standard data formats, fraud identification strategies, and specifications for the technical interface between state and federal health care fraud databases;</p> <p>(c) Monitor innovations in health information technology, specifically as it pertains to Medicaid fraud prevention and detection; and</p> <p>(d) Periodically publish policy briefs that highlight available new technology to prevent or detect health care fraud and projects implemented by other states, the private sector, or the Federal Government which use technology to prevent or detect health care fraud.</p> <p><b>Credits</b></p> <p>Added by <a href="#">Laws 1991, c. 91-282, § 44</a>; <a href="#">Laws 1994, c. 94-251, § 5</a>; <a href="#">Laws 1996, c. 96-331, § 4</a>; <a href="#">Laws 1996, c. 96-387, § 4</a>; <a href="#">Laws 1996, c. 96-406, § 260</a>; <a href="#">Laws 1996, c. 96-410, § 195</a>; <a href="#">Laws 1997, c. 97-103, § 1025</a>. Amended by <a href="#">Laws 1999, c. 99-397, § 70, eff. July 1, 1999</a>; <a href="#">Laws 2000, c. 2000-153, § 61, eff. July 4, 2000</a>; <a href="#">Laws 2001, c. 2001-377, § 12, eff. Dec. 17, 2001</a>; <a href="#">Laws 2002, c. 2002-400, § 30, eff. June 7, 2002</a>; <a href="#">Laws 2004, c. 2004-344, § 6, eff. July 1, 2004</a>; <a href="#">Laws 2005, c. 2005-133, § 7, eff. July 1, 2005</a>; <a href="#">Laws 2006, c. 2006-2, § 13, eff. July 4, 2006</a>; <a href="#">Laws 2008, c. 2008-143, § 14, eff. July 1, 2008</a>; <a href="#">Laws 2009, c. 2009-223, § 18, eff. July 1, 2009</a>; <a href="#">Laws 2013, c. 2013-150, § 3, eff. July 1, 2013</a>; <a href="#">Laws 2014, c. 2014-19, § 210, eff. July 1, 2014</a>; <a href="#">Laws 2017, c. 2017-129, § 14, eff. July 1, 2017</a>; <a href="#">Laws 2018, c. 2018-110, § 55, eff. May 10, 2018</a>; <a href="#">Laws 2020, c. 2020-156, § 42, eff. July 1, 2020</a>; <a href="#">Laws 2021, c. 2021-151, § 6, eff. July 1, 2021</a>.</p> <p><b>Fla. Stat. § 409.920 - Medicaid provider fraud</b></p> <p><a href="http://www.leq.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0400-0499/0409/Sections/0409.920.html">http://www.leq.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0400-0499/0409/Sections/0409.920.html</a></p> <p>(1) For the purposes of this section, the term:</p> <p>(a) “Agency” means the Agency for Health Care Administration.</p> <p>(b) “Fiscal agent” means any individual, firm, corporation, partnership, organization, or other legal entity that has contracted with the agency to receive, process, and adjudicate claims under the Medicaid program.</p> <p>(c) “Item or service” includes:</p> <ol style="list-style-type: none"><li>1. Any particular item, device, medical supply, or service claimed to have been provided to a recipient and listed in an itemized claim for payment; or</li><li>2. In the case of a claim based on costs, any entry in the cost report, books of account, or other documents supporting such claim.</li></ol> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|                 | <p>(d) “Knowingly” means that the act was done voluntarily and intentionally and not because of mistake or accident. As used in this section, the term “knowingly” also includes the word “willfully” or “willful” which, as used in this section, means that an act was committed voluntarily and purposely, with the specific intent to do something that the law forbids, and that the act was committed with bad purpose, either to disobey or disregard the law.</p> <p>(e) “Managed care plans” means a health insurer authorized under chapter 624, an exclusive provider organization authorized under chapter 627, a health maintenance organization authorized under chapter 641, a prepaid health plan authorized under this chapter, a provider service network authorized under this chapter, a minority physician network authorized under this chapter, and an emergency department diversion program authorized under this chapter or the General Appropriations Act, providing health care services pursuant to a contract with the Medicaid program.</p> <p>(2)(a) A person may not:</p> <ol style="list-style-type: none"><li>1. Knowingly make, cause to be made, or aid and abet in the making of any false statement or false representation of a material fact, by commission or omission, in any claim submitted to the agency or its fiscal agent or a managed care plan for payment.</li><li>2. Knowingly make, cause to be made, or aid and abet in the making of a claim for items or services that are not authorized to be reimbursed by the Medicaid program.</li><li>3. Knowingly charge, solicit, accept, or receive anything of value, other than an authorized copayment from a Medicaid recipient, from any source in addition to the amount legally payable for an item or service provided to a Medicaid recipient under the Medicaid program or knowingly fail to credit the agency or its fiscal agent for any payment received from a third-party source.</li><li>4. Knowingly make or in any way cause to be made any false statement or false representation of a material fact, by commission or omission, in any document containing items of income and expense that is or may be used by the agency to determine a general or specific rate of payment for an item or service provided by a provider.</li><li>5. Knowingly solicit, offer, pay, or receive any remuneration, including any kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind, in return for referring an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made, in whole or in part, under the Medicaid program, or in return for obtaining, purchasing, leasing, ordering, or arranging for or recommending, obtaining, purchasing, leasing, or ordering any goods, facility, item, or service, for which payment may be made, in whole or in part, under the Medicaid program. This subparagraph does not apply to any discount, payment, waiver of payment, or payment practice not prohibited by 42 U.S.C. s. 1320a-7b(b) or any regulations adopted thereunder.</li><li>6. Knowingly submit false or misleading information or statements to the Medicaid program for the purpose of being accepted as a Medicaid provider.</li><li>7. Knowingly use or endeavor to use a Medicaid provider's identification number or a Medicaid recipient's identification number to make, cause to be made, or aid and abet in the making of a claim for items or services that are not authorized to be reimbursed by the Medicaid program.</li></ol> <p>(b) 1. A person who violates this subsection and receives or endeavors to receive anything of value of:</p> <ol style="list-style-type: none"><li>a. Ten thousand dollars or less commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.</li><li>b. More than \$10,000, but less than \$50,000, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.</li><li>c. Fifty thousand dollars or more commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.</li></ol> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|                 | <p>2. The value of separate funds, goods, or services that a person received or attempted to receive pursuant to a scheme or course of conduct may be aggregated in determining the degree of the offense.</p> <p>3. In addition to the sentence authorized by law, a person who is convicted of a violation of this subsection shall pay a fine in an amount equal to five times the pecuniary gain unlawfully received or the loss incurred by the Medicaid program or managed care organization, whichever is greater.</p> <p>(3) The repayment of Medicaid payments wrongfully obtained, or the offer or endeavor to repay Medicaid funds wrongfully obtained, does not constitute a defense to, or a ground for dismissal of, criminal charges brought under this section.</p> <p>(4) Property “paid for” includes all property furnished to or intended to be furnished to any recipient of benefits under the Medicaid program, regardless of whether reimbursement is ever actually made by the program.</p> <p>(5) All records in the custody of the agency or its fiscal agent which relate to Medicaid provider fraud are business records within the meaning of s. 90.803(6).</p> <p>(6) Proof that a claim was submitted to the agency or its fiscal agent which contained a false statement or a false representation of a material fact, by commission or omission, unless satisfactorily explained, gives rise to an inference that the person whose signature appears as the provider's authorizing signature on the claim form, or whose signature appears on an agency electronic claim submission agreement submitted for claims made to the fiscal agent by electronic means, had knowledge of the false statement or false representation. This subsection applies whether the signature appears on the claim form or the electronic claim submission agreement by means of handwriting, typewriting, facsimile signature stamp, computer impulse, initials, or otherwise.</p> <p>(7) Proof of submission to the agency or its fiscal agent of a document containing items of income and expense, which document is used or that may be used by the agency or its fiscal agent to determine a general or specific rate of payment and which document contains a false statement or a false representation of a material fact, by commission or omission, unless satisfactorily explained, gives rise to the inference that the person who signed the certification of the document had knowledge of the false statement or representation. This subsection applies whether the signature appears on the document by means of handwriting, typewriting, facsimile signature stamp, electronic transmission, initials, or otherwise.</p> <p>(8) A person who provides the state, any state agency, any of the state's political subdivisions, or any agency of the state's political subdivisions with information about fraud or suspected fraudulent acts by a Medicaid provider, including a managed care organization, is immune from civil liability for libel, slander, or any other relevant tort for providing information about fraud or suspected fraudulent acts unless the person acted with knowledge that the information was false or with reckless disregard for the truth or falsity of the information. Such immunity extends to reports of fraudulent acts or suspected fraudulent acts conveyed to or from the agency in any manner, including any forum and with any audience as directed by the agency, and includes all discussions subsequent to the report and subsequent inquiries from the agency, unless the person acted with knowledge that the information was false or with reckless disregard for the truth or falsity of the information. For purposes of this subsection, the term “fraudulent acts” includes actual or suspected fraud and abuse, insurance fraud, licensure fraud, or public assistance fraud, including any fraud-related matters that a provider or health plan is required to report to the agency or a law enforcement agency.</p> <p>(9) The Attorney General shall conduct a statewide program of Medicaid fraud control. To accomplish this purpose, the Attorney General shall:</p> <p>(a) Investigate the possible criminal violation of any applicable state law pertaining to fraud in the administration of the Medicaid program, in the provision of medical assistance, or in the activities of providers of health care under the Medicaid program.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|                 | <p>(b) Investigate the alleged abuse or neglect of patients in health care facilities receiving payments under the Medicaid program, in coordination with the agency.</p> <p>(c) Investigate the alleged misappropriation of patients' private funds in health care facilities receiving payments under the Medicaid program.</p> <p>(d) Refer to the Office of Statewide Prosecution or the appropriate state attorney all violations indicating a substantial potential for criminal prosecution.</p> <p>(e) Refer to the agency all suspected abusive activities not of a criminal or fraudulent nature.</p> <p>(f) Safeguard the privacy rights of all individuals and provide safeguards to prevent the use of patient medical records for any reason beyond the scope of a specific investigation for fraud or abuse, or both, without the patient's written consent.</p> <p>(g) Publicize to state employees and the public the ability of persons to bring suit under the provisions of the Florida False Claims Act and the potential for the persons bringing a civil action under the Florida False Claims Act to obtain a monetary award.</p> <p>(10) In carrying out the duties and responsibilities under this section, the Attorney General may:</p> <p>(a) Enter upon the premises of any health care provider, excluding a physician, participating in the Medicaid program to examine all accounts and records that may, in any manner, be relevant in determining the existence of fraud in the Medicaid program, to investigate alleged abuse or neglect of patients, or to investigate alleged misappropriation of patients' private funds. A participating physician is required to make available any accounts or records that may, in any manner, be relevant in determining the existence of fraud in the Medicaid program, alleged abuse or neglect of patients, or alleged misappropriation of patients' private funds. The accounts or records of a non-Medicaid patient may not be reviewed by, or turned over to, the Attorney General without the patient's written consent.</p> <p>(b) Subpoena witnesses or materials, including medical records relating to Medicaid recipients, within or outside the state and, through any duly designated employee, administer oaths and affirmations and collect evidence for possible use in either civil or criminal judicial proceedings.</p> <p>(c) Request and receive the assistance of any state attorney or law enforcement agency in the investigation and prosecution of any violation of this section.</p> <p>(d) Seek any civil remedy provided by law, including, but not limited to, the remedies provided in ss. 68.081-68.092 and 812.035 and this chapter.</p> <p>(e) Refer to the agency for collection each instance of overpayment to a provider of health care under the Medicaid program which is discovered during the course of an investigation.</p> <p>Credits</p> <p>Added by Laws 1991, c. 91-282, § 50; Laws 1994, c. 94-251, § 6; Laws 1996, c. 96-280, § 2; Laws 1996, c. 96-387, § 6; Laws 1997, c. 97-290, § 2. Amended by Laws 2000, c. 2000-163, § 6, eff. July 1, 2000; Laws 2002, c. 2002-400, § 31, eff. June 7, 2002; Laws 2004, c. 2004-344, § 8, eff. July 1, 2004; Laws 2009, c. 2009-223, § 19, eff. July 1, 2009; Laws 2013, c. 2013-150, § 4, eff. July 1, 2013; Laws 2020, c. 2020-156, § 43, eff. July 1, 2020; Laws 2025, c. 2025-88, § 30, eff. July 1, 2025.</p> <p><b>Fla. Stat. § 456.054 - Kickbacks prohibited</b></p> <p><a href="http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0400-0499/0456/Sections/0456.054.html">http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0400-0499/0456/Sections/0456.054.html</a></p> |

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|                 | <p>§ 456.054. Kickbacks prohibited</p> <p>(1) As used in this section, the term “kickback” means a remuneration or payment, by or on behalf of a provider of health care services or items, to any person as an incentive or inducement to refer patients for past or future services or items, when the payment is not tax deductible as an ordinary and necessary expense.</p> <p>(2) It is unlawful for any health care provider or any provider of health care services to offer, pay, solicit, or receive a kickback, directly or indirectly, overtly or covertly, in cash or in kind, for referring or soliciting patients.</p> <p>(3)(a) It is unlawful for any person or any entity to pay or receive, directly or indirectly, a commission, bonus, kickback, or rebate from, or to engage in any form of a split-fee arrangement with, a dialysis facility, health care practitioner, surgeon, person, or entity for referring patients to a clinical laboratory as defined in <a href="#">s. 483.803</a>.</p> <p>(b) It is unlawful for any clinical laboratory to:</p> <ol style="list-style-type: none"><li>1. Provide personnel to perform any functions or duties in a health care practitioner's office or dialysis facility for any purpose, including for the collection or handling of specimens, directly or indirectly through an employee, contractor, independent staffing company, lease agreement, or otherwise, unless the laboratory and the practitioner's office, or dialysis facility, are wholly owned and operated by the same entity.</li><li>2. Lease space within any part of a health care practitioner's office or dialysis facility for any purpose, including for the purpose of establishing a collection station where materials or specimens are collected or drawn from patients.</li></ol> <p>(4) Violations of this section shall be considered patient brokering and shall be punishable as provided in <a href="#">s. 817.505</a>.</p> <p><b>Credits</b></p> <p>Added by <a href="#">Laws 1992, c. 92-178, § 8</a>; <a href="#">Laws 1996, c. 96-152, § 2</a>; <a href="#">Fla.St.1996, Supp. § 455.237</a>; <a href="#">Laws 1997, c. 97-261, § 79</a>; <a href="#">Laws 1999, c. 99-204, § 8</a>; <a href="#">Fla.St.1999, § 455.657</a>. Renumbered as 456.054 by <a href="#">Laws 2000, c. 2000-160, § 78, eff. July 4, 2000</a>. Amended by <a href="#">Laws 2006, c. 2006-305, § 6, eff. July 1, 2006</a>; <a href="#">Laws 2018, c. 2018-24, § 91, eff. July 1, 2018</a>.</p> <p><b>Fla. Stat. § 458.331 - Grounds for disciplinary action; action by the board and department</b><br/><a href="http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0400-0499/0458/Sections/0458.331.html">http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0400-0499/0458/Sections/0458.331.html</a></p> <p><b>458.331. Grounds for disciplinary action; action by the board and department</b><br/><a href="#">Currentness</a></p> <p>(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in <a href="#">s. 456.072(2)</a>:</p> <p>(a) Attempting to obtain, obtaining, or renewing a license to practice medicine by bribery, by fraudulent misrepresentations, or through an error of the department or the board.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|                 | <p>(b) Having a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions. The licensing authority's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician's license, shall be construed as action against the physician's license.</p> <p>(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of medicine or to the ability to practice medicine.</p> <p>(d) False, deceptive, or misleading advertising.</p> <p>(e) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department or the board. However, a person who the licensee knows is unable to practice medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material, or as a result of a mental or physical condition, may be reported to a consultant operating an impaired practitioner program as described in <a href="#">s. 456.076</a> rather than to the department.</p> <p>(f) Aiding, assisting, procuring, or advising any unlicensed person to practice medicine contrary to this chapter or to a rule of the department or the board.</p> <p>(g) Failing to perform any statutory or legal obligation placed upon a licensed physician.</p> <p>(h) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a licensed physician.</p> <p>(i) Paying or receiving any commission, bonus, kickback, or rebate, or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency, or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent a physician from receiving a fee for professional consultation services.</p> <p>(j) Exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his or her physician.</p> <p>(k) Making deceptive, untrue, or fraudulent representations in or related to the practice of medicine or employing a trick or scheme in the practice of medicine.</p> <p>(l) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct. A solicitation is any communication which directly or implicitly requests an immediate oral response from the recipient.</p> <p>(m) Failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the licensed physician or the physician extender and supervising physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|                 | <p>(n) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party, which shall include, but not be limited to, the promoting or selling of services, goods, appliances, or drugs.</p> <p>(o) Promoting or advertising on any prescription form of a community pharmacy unless the form shall also state “This prescription may be filled at any pharmacy of your choice.”</p> <p>(p) Performing professional services which have not been duly authorized by the patient or client, or his or her legal representative, except as provided in <a href="#">s. 743.064</a>, <a href="#">s. 766.103</a>, or <a href="#">s. 768.13</a>.</p> <p>(q) Prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice. For the purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the physician's professional practice, without regard to his or her intent.</p> <p>(r) Prescribing, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893 by the physician to himself or herself, except one prescribed, dispensed, or administered to the physician by another practitioner authorized to prescribe, dispense, or administer medicinal drugs.</p> <p>(s) Being unable to practice medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon a finding of the State Surgeon General or the State Surgeon General's designee that probable cause exists to believe that the licensee is unable to practice medicine because of the reasons stated in this paragraph, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The licensee against whom the petition is filed may not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in <a href="#">s. 51.011</a>. A licensee or certificateholder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice of medicine with reasonable skill and safety to patients.</p> <p>(t) Notwithstanding <a href="#">s. 456.072(2)</a> but as specified in <a href="#">s. 456.50(2)</a>:</p> <ol style="list-style-type: none"><li>1. Committing medical malpractice as defined in <a href="#">s. 456.50</a>. The board shall give great weight to the provisions of <a href="#">s. 766.102</a> when enforcing this paragraph. Medical malpractice shall not be construed to require more than one instance, event, or act.</li><li>2. Committing gross medical malpractice.</li><li>3. Committing repeated medical malpractice as defined in <a href="#">s. 456.50</a>. A person found by the board to have committed repeated medical malpractice based on <a href="#">s. 456.50</a> may not be licensed or continue to be licensed by this state to provide health care services as a medical doctor in this state.</li></ol> <p>Nothing in this paragraph shall be construed to require that a physician be incompetent to practice medicine in order to be disciplined pursuant to this paragraph. A recommended order by an administrative law judge or a final order of the board finding a violation under this paragraph shall specify whether</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|                 | <p>the licensee was found to have committed “gross medical malpractice,” “repeated medical malpractice,” or “medical malpractice,” or any combination thereof, and any publication by the board must so specify.</p> <p>(u) Performing any procedure or prescribing any therapy which, by the prevailing standards of medical practice in the community, would constitute experimentation on a human subject, without first obtaining full, informed, and written consent.</p> <p>(v) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform. The board may establish by rule standards of practice and standards of care for particular practice settings, including, but not limited to, education and training, equipment and supplies, medications including anesthetics, assistance of and delegation to other personnel, transfer agreements, sterilization, records, performance of complex or multiple procedures, informed consent, and policy and procedure manuals.</p> <p>(w) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.</p> <p>(x) Violating a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.</p> <p>(y) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his or her services.</p> <p>(z) Procuring, or aiding or abetting in the procuring of, an unlawful termination of pregnancy.</p> <p>(aa) Presigning blank prescription forms.</p> <p>(bb) Prescribing any medicinal drug appearing on Schedule II in chapter 893 by the physician for office use.</p> <p>(cc) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any drug which is a Schedule II amphetamine or a Schedule II sympathomimetic amine drug or any compound thereof, pursuant to chapter 893, to or for any person except for:</p> <ol style="list-style-type: none"><li>1. The treatment of narcolepsy; hyperkinesis; behavioral syndrome characterized by the developmentally inappropriate symptoms of moderate to severe distractability, short attention span, hyperactivity, emotional lability, and impulsivity; or drug-induced brain dysfunction;</li><li>2. The differential diagnostic psychiatric evaluation of depression or the treatment of depression shown to be refractory to other therapeutic modalities; or</li><li>3. The clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, reviewed, and approved by the board before such investigation is begun.</li></ol> <p>(dd) Failing to supervise adequately the activities of those physician assistants, paramedics, emergency medical technicians, advanced practice registered nurses, or anesthesiologist assistants acting under the supervision of the physician.</p> <p>(ee) Prescribing, ordering, dispensing, administering, supplying, selling, or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. For the purposes of this subsection, the term “muscle building” does not include the treatment of injured muscle. A prescription written for the drug products listed above may be dispensed by the pharmacist with the presumption that the prescription is for legitimate medical use.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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|                 | <p>(ff) Prescribing, ordering, dispensing, administering, supplying, selling, or giving amygdalin (laetrile) to any person.</p> <p>(gg) Misrepresenting or concealing a material fact at any time during any phase of a licensing or disciplinary process or procedure.</p> <p>(hh) Improperly interfering with an investigation or with any disciplinary proceeding.</p> <p>(ii) Failing to report to the department any licensee under this chapter or under chapter 459 who the physician or physician assistant knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the physician or physician assistant also provides services.</p> <p>(jj) Being found by any court in this state to have provided corroborating written medical expert opinion attached to any statutorily required notice of claim or intent or to any statutorily required response rejecting a claim, without reasonable investigation.</p> <p>(kk) Failing to report to the board, in writing, within 30 days if action as defined in paragraph (b) has been taken against one's license to practice medicine in another state, territory, or country.</p> <p>(ll) Advertising or holding oneself out as a board-certified specialist, if not qualified under <a href="#">s. 458.3312</a>, in violation of this chapter.</p> <p>(mm) Failing to comply with the requirements of <a href="#">ss. 381.026</a> and <a href="#">381.0261</a> to provide patients with information about their patient rights and how to file a patient complaint.</p> <p>(nn) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.</p> <p>(oo) Providing deceptive or fraudulent expert witness testimony related to the practice of medicine.</p> <p>(pp) Applicable to a licensee who serves as the designated physician of a pain-management clinic as defined in <a href="#">s. 458.3265</a> or <a href="#">s. 459.0137</a>:</p> <ol style="list-style-type: none"> <li>1. Registering a pain-management clinic through misrepresentation or fraud;</li> <li>2. Procuring, or attempting to procure, the registration of a pain-management clinic for any other person by making, or causing to be made, any false representation;</li> <li>3. Failing to comply with any requirement of chapter 499, the Florida Drug and Cosmetic Act; <a href="#">21 U.S.C. ss. 301-392</a>, the Federal Food, Drug, and Cosmetic Act; <a href="#">21 U.S.C. ss. 821 et seq.</a>, the Drug Abuse Prevention and Control Act; or chapter 893, the Florida Comprehensive Drug Abuse Prevention and Control Act;</li> <li>4. Being convicted or found guilty of, regardless of adjudication to, a felony or any other crime involving moral turpitude, fraud, dishonesty, or deceit in any jurisdiction of the courts of this state, of any other state, or of the United States;</li> <li>5. Being convicted of, or disciplined by a regulatory agency of the Federal Government or a regulatory agency of another state for, any offense that would constitute a violation of this chapter;</li> <li>6. Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction of the courts of this state, of any other state, or of the United States which relates to the practice of, or the ability to practice, a licensed health care profession;</li> <li>7. Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction of the courts of this state, of any other state, or of the United States which relates to health care fraud;</li> <li>8. Dispensing any medicinal drug based upon a communication that purports to be a prescription as defined in <a href="#">s. 465.003</a> or <a href="#">s. 893.02</a> if the dispensing practitioner knows or has reason to believe that the purported prescription is not based upon a valid practitioner-patient relationship; or</li> </ol> |

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|                 | <p>9. Failing to timely notify the board of the date of his or her termination from a pain-management clinic as required by <a href="#">s. 458.3265(3)</a>.</p> <p>(qq) Failing to timely notify the department of the theft of prescription blanks from a pain-management clinic or a breach of a physician's electronic prescribing software within 24 hours as required by <a href="#">s. 458.3265(3)</a>.</p> <p>(rr) Promoting or advertising through any communication media the use, sale, or dispensing of any controlled substance appearing on any schedule in chapter 893.</p> <p>(ss) Dispensing a controlled substance listed in Schedule II or Schedule III in violation of <a href="#">s. 465.0276</a>.</p> <p>(tt) Willfully failing to comply with <a href="#">s. 627.64194</a> or <a href="#">s. 641.513</a> with such frequency as to indicate a general business practice.</p> <p>(uu) Issuing a physician certification, as defined in <a href="#">s. 381.986</a>, in a manner out of compliance with the requirements of that section and rules adopted thereunder.</p> <p>(vv) Performing a liposuction procedure in which more than 1,000 cubic centimeters of supernatant fat is removed, a Level II office surgery, or a Level III office surgery in an office that is not registered with the department pursuant to <a href="#">s. 458.328</a> or <a href="#">s. 459.0138</a>.</p> <p>(ww) Implanting a patient or causing a patient to be implanted with a human embryo created with the human reproductive material, as defined in s. 784.086, of the licensee, or inseminating a patient or causing a patient to be inseminated with the human reproductive material of the licensee.</p> <p>(2) The board may enter an order denying licensure or imposing any of the penalties in <a href="#">s. 456.072(2)</a> against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of <a href="#">s. 456.072(1)</a>. In determining what action is appropriate, the board must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the physician. All costs associated with compliance with orders issued under this subsection are the obligation of the physician.</p> <p>(3) In any administrative action against a physician which does not involve revocation or suspension of license, the division shall have the burden, by the greater weight of the evidence, to establish the existence of grounds for disciplinary action. The division shall establish grounds for revocation or suspension of license by clear and convincing evidence.</p> <p>(4) The board shall not reinstate the license of a physician, or cause a license to be issued to a person it deems or has deemed unqualified, until such time as it is satisfied that he or she has complied with all the terms and conditions set forth in the final order and that such person is capable of safely engaging in the practice of medicine. However, the board may not issue a license to, or reinstate the license of, any medical doctor found by the board to have committed repeated medical malpractice based on <a href="#">s. 456.50</a>, regardless of the extent to which the licensee or prospective licensee has complied with all terms and conditions set forth in the final order and is capable of safely engaging in the practice of medicine.</p> <p>(5) The board shall by rule establish guidelines for the disposition of disciplinary cases involving specific types of violations. Such guidelines may include minimum and maximum fines, periods of supervision or probation, or conditions of probation or reissuance of a license. "Gross medical malpractice," "repeated medical malpractice," and "medical malpractice," under paragraph (1)(t) shall each be considered distinct types of violations requiring specific individual guidelines.</p> |

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|                 | <p>(6) Upon the department's receipt from an insurer or self-insurer of a report of a closed claim against a physician pursuant to <a href="#">s. 627.912</a> or from a health care practitioner of a report pursuant to <a href="#">s. 456.049</a>, or upon the receipt from a claimant of a presuit notice against a physician pursuant to <a href="#">s. 766.106</a>, the department shall review each report and determine whether it potentially involved conduct by a licensee that is subject to disciplinary action, in which case the provisions of <a href="#">s. 456.073</a> shall apply. However, if it is reported that a physician has had three or more claims with indemnities exceeding \$50,000 each within the previous 5-year period, the department shall investigate the occurrences upon which the claims were based and determine if action by the department against the physician is warranted.</p> <p>(7) Upon the department's receipt from the Agency for Health Care Administration pursuant to s. 395.0197 of the name of a physician whose conduct may constitute grounds for disciplinary action by the department, the department shall investigate the occurrences upon which the report was based and determine if action by the department against the physician is warranted.</p> <p>(8) If any physician regulated by the Division of Medical Quality Assurance is guilty of such unprofessional conduct, negligence, or mental or physical incapacity or impairment that the division determines that the physician is unable to practice with reasonable skill and safety and presents a danger to patients, the division shall be authorized to maintain an action in circuit court enjoining such physician from providing medical services to the public until the physician demonstrates the ability to practice with reasonable skill and safety and without danger to patients.</p> <p>(9) When an investigation of a physician is undertaken, the department shall promptly furnish to the physician or the physician's attorney a copy of the complaint or document which resulted in the initiation of the investigation. For purposes of this subsection, such documents include, but are not limited to: the pertinent portions of an annual report submitted to the department pursuant to <a href="#">s. 395.0197(6)</a>; a report of an adverse incident which is provided to the department pursuant to <a href="#">s. 395.0197</a>; a report of peer review disciplinary action submitted to the department pursuant to <a href="#">s. 395.0193(4)</a> or <a href="#">s. 458.337</a>, providing that the investigations, proceedings, and records relating to such peer review disciplinary action shall continue to retain their privileged status even as to the licensee who is the subject of the investigation, as provided by <a href="#">ss. 395.0193(8)</a> and <a href="#">458.337(3)</a>; a report of a closed claim submitted pursuant to <a href="#">s. 627.912</a>; a presuit notice submitted pursuant to <a href="#">s. 766.106(2)</a>; and a petition brought under the Florida Birth-Related Neurological Injury Compensation Plan, pursuant to <a href="#">s. 766.305(2)</a>. The physician may submit a written response to the information contained in the complaint or document which resulted in the initiation of the investigation within 45 days after service to the physician of the complaint or document. The physician's written response shall be considered by the probable cause panel.</p> <p>(10) A probable cause panel convened to consider disciplinary action against a physician assistant alleged to have violated <a href="#">s. 456.072</a> or this section must include one physician assistant. The physician assistant must hold a valid license to practice as a physician assistant in this state and be appointed to the panel by the Council of Physician Assistants. The physician assistant may hear only cases involving disciplinary actions against a physician assistant. If the appointed physician assistant is not present at the disciplinary hearing, the panel may consider the matter and vote on the case in the absence of the physician assistant. The training requirements set forth in <a href="#">s. 458.307(4)</a> do not apply to the appointed physician assistant. Rules need not be adopted to implement this subsection.</p> <p>(11) The purpose of this section is to facilitate uniform discipline for those acts made punishable under this section and, to this end, a reference to this section constitutes a general reference under the doctrine of incorporation by reference.</p> |

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|                 | <p><b>Credits</b></p> <p>Added by Laws 1979, c. 79-302, §§ 1, 8; Laws 1980, c. 80-354, § 2; Laws 1981, c. 81-259, § 297; Laws 1981, c. 81-318, §§ 2, 3; Laws 1982, c. 82-32, §§ 2, 4; Laws 1983, c. 83-329, § 15; Laws 1985, c. 85-6, § 1; Laws 1985, c. 85-175, § 4; Laws 1986, c. 86-245, §§ 18, 25, 26; <a href="#">Laws 1988, c. 88-1, § 25</a>; <a href="#">Laws 1989, c. 89-275, § 18</a>; <a href="#">Laws 1989, c. 89-283, § 16</a>; <a href="#">Laws 1989, c. 89-374, §§ 11, 72</a>; <a href="#">Laws 1990, c. 90-44, § 2</a>; <a href="#">Laws 1990, c. 90-60, § 4</a>; <a href="#">Laws 1990, c. 90-228, § 26</a>.</p> <p>Amended by <a href="#">Laws 1991, c. 91-220, § 60</a>; <a href="#">Laws 1991, c. 91-429, § 4</a>; <a href="#">Laws 1992, c. 92-149, § 39, eff. Oct. 1, 1992</a>; <a href="#">Laws 1992, c. 92-178, § 1</a>; <a href="#">Laws 1992, c. 92-289, § 83, eff. Oct. 1, 1992</a>; <a href="#">Laws 1996, c. 96-410, § 218, eff. Oct. 1, 1996</a>; <a href="#">Laws 1997, c. 97-103, § 1090, eff. July 1, 1997</a>; <a href="#">Laws 1997, c. 97-261, § 106, eff. July 1, 1997</a>; <a href="#">Laws 1997, c. 97-264, § 23, eff. July 1, 1997</a>; <a href="#">Laws 1998, c. 98-89, § 37, eff. July 1, 1998</a>; <a href="#">Laws 1998, c. 98-166, § 46, eff. July 1, 1998</a>; <a href="#">Laws 1999, c. 99-8, § 222, eff. June 29, 1999</a>; <a href="#">Laws 1999, c. 99-397, § 99, eff. July 1, 1999</a>; <a href="#">Laws 2000, c. 2000-160, § 105, eff. July 4, 2000</a>; <a href="#">Laws 2001, c. 2001-277, §§ 21, 76, eff. July 1, 2001</a>; <a href="#">Laws 2003, c. 2003-416, § 25, eff. Sept. 15, 2003</a>; <a href="#">Laws 2004, c. 2004-303, § 2, eff. July 1, 2004</a>; <a href="#">Laws 2005, c. 2005-240, § 3, eff. July 1, 2005</a>; <a href="#">Laws 2005, c. 2005-266, § 3, eff. June 20, 2005</a>; <a href="#">Laws 2006, c. 2006-242, § 1, eff. July 1, 2006</a>; <a href="#">Laws 2008, c. 2008-6, § 73, eff. July 1, 2008</a>; <a href="#">Laws 2010, c. 2010-211, § 6, eff. Oct. 1, 2010</a>; <a href="#">Laws 2011, c. 2011-141, § 6, eff. July 1, 2011</a>; <a href="#">Laws 2011, c. 2011-233, § 2, eff. Oct. 1, 2011</a>; <a href="#">Laws 2013, c. 2013-166, § 2, eff. July 1, 2016</a>; <a href="#">Laws 2016, c. 2016-145, § 17, eff. July 1, 2016</a>; <a href="#">Laws 2016, c. 2016-222, § 9, eff. July 1, 2016</a>; <a href="#">Laws 2016, c. 2016-224, § 22, eff. April 14, 2016</a>; <a href="#">Laws 2017, c. 2017-41, § 8, eff. May 31, 2017</a>; <a href="#">Laws 2017, c. 2017-232, §§ 1, 4, eff. June 23, 2017</a>; <a href="#">Laws 2018, c. 2018-13, § 14, eff. Jan. 1, 2019</a>; <a href="#">Laws 2018, c. 2018-106, § 50, eff. Oct. 1, 2018</a>; <a href="#">Laws 2019, c. 2019-112, § 6, eff. Jan. 1, 2020</a>; <a href="#">Laws 2019, c. 2019-130, § 4, eff. Jan. 1, 2020</a>; <a href="#">Laws 2020, c. 2020-31, § 4, eff. July 1, 2020</a>; <a href="#">Laws 2022, c. 2022-35, § 14, eff. July 1, 2022</a>.</p> <hr/> <p>TITLE 59 AGENCY FOR HEALTH CARE ADMINISTRATION<br/>DIVISION 59G MEDICAID<br/><b>CHAPTER 59G-9 OVERSIGHT OF INTEGRITY</b></p> <p>59G-9.070, F.A.C. - <b>Administrative Sanctions on Providers, Entities, and Persons.</b><br/><a href="https://ahca.myflorida.com/content/download/7013/file/59G_9070_Admin_Sanctions_on_Providers_Entities_Persons.pdf">https://ahca.myflorida.com/content/download/7013/file/59G_9070_Admin_Sanctions_on_Providers_Entities_Persons.pdf</a></p> <p><b>Fla. Admin. Code r. 59G-9.070</b><br/><b>59G-9.070. Administrative Sanctions on Providers, Entities, and Persons.</b><br/><b><u>Currentness</u></b></p> <p>(1) Purpose. This rule provides notice of administrative sanctions imposed upon a provider, entity, or person for each violation of any Medicaid-related law.</p> <p>(2) Applying and reporting sanctions. Notice of the application of sanctions will be by way of written correspondence, and the final notice shall be the point of entry for administrative proceedings pursuant to Chapter 120, F.S. Satisfaction of an overpayment following a preliminary audit report, will not avoid the</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|                 | <p>application of sanctions at a final audit report, unless the Agency for Health Care Administration (Agency) offers amnesty pursuant to <a href="#">section 409.913(25)(e), F.S.</a> The Agency shall report all sanctions imposed upon any provider, entity, or person, or any principal, officer, director, agent, managing employee, or affiliated person of a provider, who is regulated by another state entity, regardless of whether enrolled in the Medicaid program, to that other state entity. Sanctions are imposed upon the Final Order being filed with the Agency Clerk.</p> <p>(3) Definitions.</p> <p>(a) “Audit report” is the written notice of determination that a violation of Medicaid laws has occurred, and where the violation results in an overpayment, it also shows the calculation of overpayments.</p> <p>(b) “Claim” is as defined in <a href="#">section 409.901(6), F.S.</a>, and includes the total monthly payment to a provider for per diem payments, and the payment of a capitation rate for a Medicaid recipient.</p> <p>(c) “Contemporaneous records” means records created at the time the goods or services were provided, unless otherwise specified in Medicaid laws, or the laws that govern the provider's profession.</p> <p>(d) A “Corrective action plan” is an activity to address the specific areas of non-compliance, determined by the Agency, to reduce the risk of future non-compliance.</p> <p>(e) An “Erroneous claim” is an application for payment from the Medicaid program, or its fiscal agent, that contains an inaccuracy.</p> <p>(f) “Fine” is a monetary sanction. The amount of a fine shall be as set forth within this rule.</p> <p>(g) A “False claim” is as provided for in the Florida False Claims Act, set forth in Chapter 68, F.S.</p> <p>(h) “Offense” means the occurrence of one or more violations as set forth in a final audit report. For purposes of the progressive nature of sanctions under this rule, offenses are characterized as “first,” “second,” “third,” or “subsequent” offenses; subsequent offenses are any occurrences after a third offense.</p> <p>(i) “Patient record” means the patient's medical record, including all documentation maintained by the provider, entity, or person to document furnishing, ordering, or authorizing goods or services, and includes the documentation in multiple files if the practitioner maintains separate files for different types of documentation.</p> <p>(j) “Patient record request” means a request by the Agency for Medicaid-related documentation or information. Such requests are not limited to Agency audits to determine overpayments or violations, and are not limited to enrolled Medicaid providers. Each requesting document constitutes a single patient record request.</p> <p>(k) “Pattern of erroneous claims” is defined as when more than 5% of the claims reviewed are found to contain an error, or the reimbursements for the claims found to contain an error, are more than 5% of the total reimbursement for the claims reviewed.</p> <p>(l) “Provider” is as defined in <a href="#">section 409.901(17), F.S.</a>, and includes all of the provider's locations that have the same base provider number (with separate locator codes).</p> <p>(m) “Provider group” is more than one individual provider practicing under the same tax identification number, enrolled in the Medicaid program as a group for billing purposes, and having one or more locations.</p> <p>(n) “Sanction” shall be any monetary or non-monetary disincentive imposed pursuant to this rule; a monetary sanction may be referred to as a “fine.”</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                 | <p>(o) “Suspension” is a one-year preclusion from furnishing, supervising a person who is furnishing, or causing a person to furnish goods or services that result in a claim for payment to the Medicaid program. Suspension applies to any person, corporation, partnership, association, clinic, group, or other entity, whether or not enrolled in the Medicaid program.</p> <p>(p) “Termination” is a twenty-year preclusion from furnishing, supervising a person who is furnishing, or causing a person to furnish goods or services that result in a claim for payment to the Medicaid program. Termination applies to any person, corporation, partnership, association, clinic, group, or other entity, whether or not enrolled in the Medicaid program; however, if termination is imposed against a provider enrolled in the Medicaid program, the provider agreement shall also be terminated. A termination pursuant to this rule is also called a “for cause” or “with cause” termination.</p> <p>(q) “Violation” means any omission or act performed by a provider, entity, or person that is contrary to Medicaid laws, the laws that govern the provider's profession, or the Medicaid provider agreement.</p> <p>1. For purposes of this rule, each day that an ongoing violation continues, and each instance of an act or omission contrary to a Medicaid law, a law that governs the provider's profession, or the Medicaid provider agreement shall be considered a “separate violation.”</p> <p>2. For purposes of determining first, second, third, or subsequent offenses under this rule, prior Agency actions during the preceding five years will be counted where the provider, entity, or person was deemed to have committed the same violation.</p> <p>3. The failure to comply with a corrective action plan constitutes a violation, and is an ongoing violation, for each day following the deadline for submission of the corrective action plan that the failure continues.</p> <p>4. For purposes of determining a violation regarding including an unallowed cost in a cost report (paragraph (7)(k) and <a href="#">section 409.913(15)(k), F.S.</a>), if the unallowed cost or costs are the subject of an administrative hearing pursuant to Chapter 120, F.S., inclusion of the unallowed cost, or costs, in a cost report is not a violation until the conclusion of the administrative proceedings.</p> <p>5. For purposes of violations under paragraph (7)(n) of this rule, regarding purchase shortages (as opposed to shortages of time), each good found to be short, by units of each type of goods, such as each tablet of a particular drug, is a violation.</p> <p>6. For purposes of violations under paragraph (7)(q) of this rule (generally, non-payment on a payment plan), a second, third, or subsequent offense occurs when there has been a prior violation on any repayment agreement.</p> <p>(4) Limits on sanctions.</p> <p>(a) Where a sanction is applied for violations of Medicaid laws (under paragraph (7)(e) of this rule), for a pattern of erroneous claims (under paragraph (7)(h) of this rule), or shortages of goods (under paragraph (7)(n) of this rule), and the violations are a “first offense” as set forth in this rule, if the cumulative amount of the fine to be imposed as a result of the violations giving rise to that overpayment exceeds 20% of the amount of the overpayment, the fine shall be adjusted to 20% of the amount of the overpayment.</p> <p>(b) Where a sanction is applied for violations of Medicaid laws (under paragraph (7)(e) of this rule), for a pattern of erroneous claims (under paragraph (7)(h) of this rule), or shortages of goods (under paragraph (7)(n) of this rule), and the violations are a “second offense” as set forth in this rule, if the cumulative amount of the fine to be imposed as a result of the violations giving rise to that overpayment exceeds 40% of the amount of the overpayment, the fine shall be adjusted to 40% of the amount of the overpayment.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|                 | <p>(c) Where a sanction is applied for violations of Medicaid laws (under paragraph (7)(e) of this rule), for a pattern of erroneous claims (under paragraph (7)(h) of this rule), or shortages of goods (under paragraph (7)(n) of this rule), and the violations are a “third” or “subsequent” offense, if the cumulative amount of the fine for violations giving rise to the overpayment exceeds 50% of the amount of the overpayment, the fine shall be adjusted to 50% of the amount of the overpayment.</p> <p>(d) Where the audit report does not include an overpayment determination, it only applies a sanction, and where a fine is assessed for violations that are a “first offense” as set forth in this rule, the cumulative amount of the fine shall not exceed \$20,000; where the violations are a “second offense” as set forth in this rule, the cumulative amount of the fine shall not exceed \$50,000; where the violations are a “third or subsequent offense” as set forth in this rule, there are no limits on the cumulative amount of the fine to be applied.</p> <p>(e) Where a sanction would apply pursuant to this rule, no sanction will be imposed if the Agency has instituted an amnesty pursuant to <a href="#">section 409.913(25)(e), F.S.</a></p> <p>(5) Mandatory termination or suspension. Whenever the Agency is required to terminate or suspend participation in the Medicaid program and the required period of time for the exclusion exceeds one year, the sanction of termination shall apply.</p> <p>(6) Additional requirements regarding suspension and termination.</p> <p>(a) For purposes of this rule a “suspension” precludes participation for one year, or such shorter period of time as is set forth in this rule. The suspension period begins from the date of the Final Order that imposes the Agency action.</p> <p>1. To resume participation following the suspension period, a written request must be submitted to the Agency's Bureau of Medicaid Program Integrity seeking to be reinstated in the Medicaid program. The request must include a copy of the notice of suspension and a statement regarding whether the violation(s) that brought rise to the suspension have been remedied. If the provider, entity, or person was not enrolled in the Medicaid program at the time of the suspension, the request must also include a complete and accurate provider enrollment application, even if the person or entity seeks only to prescribe, or otherwise order or authorize goods or services, and does not seek to directly furnish goods or services to Medicaid recipient; the application will be processed, and accepted or denied in the standard course of business by the Agency.</p> <p>2. Participation in the Medicaid program may not resume until written confirmation is issued from the Agency indicating that participation has been authorized. Where a Medicaid provider application is required, authorization is at the point where the person or entity is enrolled as a provider; if the application is not granted, the person or entity may not resume participation.</p> <p>(b) For purposes of this rule, a “termination” shall preclude participation in the Medicaid program for twenty years from the date of the Agency action. The termination period begins from the date of the Final Order that imposes the Agency action, unless the termination is an “immediate termination.” An immediate termination period begins from the date of notice of the termination.</p> <p>To resume participation, the provider, entity, or person must submit a complete and accurate provider enrollment application, which will be processed, and accepted or denied in the standard course of business by the Agency. In addition to the application, the provider, entity, or person must include a copy of the notice of termination issued by the Agency, and a written acknowledgement regarding whether the violation(s) that brought rise to the termination has been remedied.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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|                 | <p>(7) Sanctions. In addition to the recoupment of the overpayment, if any, the Agency will impose sanctions as outlined in this subsection. Except when the Secretary of the Agency determines not to impose a sanction, pursuant to <a href="#">section 409.913(16)(j), F.S.</a>, sanctions shall be imposed as follows:</p> <p>(a) A required license is not renewed, or is revoked, suspended, or terminated: For a first offense of suspension, suspension for the duration of the licensure suspension; for all other violations, including suspension after a first offense, termination (<a href="#">section 409.913(15)(a), F.S.</a>).</p> <p>(b) For failure to make available, or refused access to Medicaid-related records necessary to review, investigate, analyze, audit, or any combination thereof, to determine if care, services, or goods were provided in compliance with applicable Medicaid laws, regulations, and policy. Making available only partial records or access is a violation: For a first offense, \$2,500 fine, per record request or instance of refused access, and suspension until the records are made available or access is granted; if after 10 days the violation continues, an additional \$1,000 fine, per day; and, if after 30 days the violation remains ongoing, termination. For a second offense, \$5,000 fine, per record request or instance of refused access, and suspension until the records are made available or access is granted; if after 10 days the violation continues, an additional \$2,000 fine, per day; and, if after 30 days the violation remains ongoing termination. For a third, or subsequent offense, termination (<a href="#">section 409.913(15)(b), F.S.</a>).</p> <p>(c) For failure to make available or furnish all Medicaid-related records necessary to be used in determining whether, and what amount should have, or should be, reimbursed. Submission of partial or incomplete records does not comply with the records request and is a violation: For a first offense, \$2,500 fine, per record request, and suspension until the records are made available; if after 10 days the violation continues, an additional \$1,000 fine, per day; and, if after 30 days the violation remains ongoing, termination. For a second offense, \$5,000 fine, per record request, and suspension until the records are made available; if after 10 days the violation continues, an additional \$2,000 fine, per day; and, if after 30 days the violation remains ongoing, termination. For a third, or subsequent offense, termination (<a href="#">section 409.913(15)(c), F.S.</a>).</p> <p>(d) For failure to maintain contemporaneous documentation if the records not maintained are necessary to know that care, services, or goods were provided. Contemporaneous records that are partial or incomplete are a violation: For a first offense, \$250 fine, per claim; however, if there are more than two claims for the same patient without records, or more than two patients for which no records are maintained, \$2,500 fine, per patient for which there are any claims without records. For a second offense, \$500 fine, per claim; however, if there are more than two claims for the same patient without records, or more than two patients for which no records are maintained, \$5,000 fine, per patient for which there are any claims without records. For a third or subsequent offense, termination (<a href="#">section 409.913(15)(d), F.S.</a>).</p> <p>(e) For failure to comply with the provisions of the Medicaid laws: For a first offense, \$1,000 fine, per claim found to be in violation. For a second offense, \$2,500 fine, per claim found to be in violation. For a third, or subsequent offense, \$5,000 fine, per claim found to be in violation. For a violation of law that would mandate exclusion, termination; for a violation of law that could result in patient harm, termination; for violations of prerequisites to enrollment, termination (<a href="#">sections 409.907(10)</a>, and <a href="#">409.913(14)</a> and <a href="#">(15)(e), F.S.</a>).</p> <p>(f) For furnishing, authorizing, or ordering goods or services that are inappropriate, unnecessary, excessive, of inferior quality, or harmful: For a first offense, \$1,000 fine; however, if there is more than one instance, \$5,000 fine, per instance; For a second offense, \$5,000 fine; however, if there is more than one instance, \$5,000 fine per instance, and suspension; For a third and subsequent offense, \$5,000 fine per instance, and suspension, however; if there is more than one instance, termination (<a href="#">section 409.913(15)(f), F.S.</a>).</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|                 | <p>(g) For a pattern of failure to provide necessary care: For a first offense, \$5,000 fine for each instance, and suspension. For a second or subsequent offense, termination (<a href="#">section 409.913(15)(g), F.S.</a>).</p> <p>(h) For false, or a pattern of erroneous, Medicaid claims:</p> <ol style="list-style-type: none"> <li>1. For false claims, termination.</li> <li>2. For a first offense of a pattern of erroneous claims, \$1,000 fine, per claim found to be erroneous. For a second offense of a pattern of erroneous claims, \$2,500 fine, per claim found to be erroneous. For a third, or subsequent offense of a pattern of erroneous claims, \$5,000 fine, per claim found to be erroneous (<a href="#">section 409.913(15)(h), F.S.</a>).</li> </ol> <p>(i) For an application, renewal, prior authorization, drug exception request, or cost report with materially false or materially incorrect information: For a first offense, \$10,000 fine, for each instance of false or incorrect information, and suspension. For a second, and subsequent offense, termination (<a href="#">section 409.913(15)(i), F.S.</a>).</p> <p>(j) For improperly collecting or billing a recipient: For a first offense, \$5,000 fine, per instance, and suspension; for a second, and subsequent offense, termination (<a href="#">section 409.913(15)(j), F.S.</a>).</p> <p>(k) For including costs in a cost report that are not authorized under the Medicaid state plan, or that were disallowed during the audit process, after having been advised that the costs were not allowable: For a first offense, \$5,000 fine; however, if after 30 days the violation continues, suspension, and \$1,000 fine, per day that the violation continues. For a second offense, \$5,000 fine; however, if after 30 days the violation continues, suspension, and \$5,000 fine, per day that the violation continues. For a third, and subsequent offense, termination (<a href="#">section 409.913(15)(k), F.S.</a>).</p> <p>(l) For being charged by information or indictment under federal law or the law of any state relating to the practice of the provider's profession, or an offense as referenced in <a href="#">section 409.913(13), F.S.</a>, or a criminal offense referenced in <a href="#">section 408.809(4), 409.907(10)</a>, or <a href="#">435.04(2), F.S.</a>: Immediate suspension for the duration of the indictment and, if convicted, termination (<a href="#">section 409.913(15)(l), F.S.</a>).</p> <p>(m) For negligently ordering or prescribing, which resulted in the patient's injury or death: immediate termination (<a href="#">section 409.913(15)(m), F.S.</a>).</p> <p>(n) For shortages of time: For a first offense, \$5,000 fine, per day found to have shortages, not to exceed the total Medicaid reimbursement for the day(s) with shortages; For a second offense, \$5,000 fine, per day found to have shortages, not to exceed two-times the total Medicaid reimbursement for the day(s) with shortages; For a third or subsequent offense, termination. For shortages of goods: For a first offense, \$1,000 fine, per type of good found to be short. For a second offense, \$2,500 fine, per type of good found to be short. For a third, or subsequent offense, \$5,000 fine, per type of good found to be short (<a href="#">section 409.913(15)(n), F.S.</a>).</p> <p>(o) For failure to comply with the notice and reporting requirements of <a href="#">section 409.907, F.S.</a>: For a first offense, \$2,500 fine. For a second offense: \$5,000 fine. For a third, and subsequent offense: termination (<a href="#">section 409.913(15)(o), F.S.</a>).</p> <p>(p) For a finding of patient abuse or neglect, or any act prohibited by <a href="#">section 409.920, F.S.</a>: Immediate suspension, and if convicted: termination (<a href="#">section 409.913(15)(p), F.S.</a>).</p> <p>(q) For failure to comply with any of the terms of a previously agreed-upon repayment schedule: For a first offense: \$5,000 fine, and suspension until the violation is corrected; if after 30 days the violation continues: termination. For a second offense: \$5,000 fine, and suspension until the violation is corrected,</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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|                 | <p>and, if the violation is not corrected within 5 calendar days, an additional \$1,000 fine, per day for which the violation continues; if after 30 days the violation continues: termination. For a third, and subsequent offense: termination (<a href="#">sections 409.913(15)(q)</a> and <a href="#">409.913(25)(c), F.S.</a>).</p> <p>(r) For violations under <a href="#">sections 409.913(13), F.S.</a> (generally, criminal offenses related to the delivery of health care, the practice of the provider's profession, and patient abuse or neglect), the Agency shall consider the violations identified in <a href="#">sections 435.04</a> and <a href="#">408.809, F.S.</a>, as related to the provider's profession, and shall impose immediate termination.</p> <p>(s) For non-payment or partial payment where monies are owed to the Agency, and failure to enter into a repayment agreement, in accordance with <a href="#">sections 409.913(25)(c)</a> and <a href="#">409.913(30), F.S.</a>, the Agency shall impose the sanction of termination.</p> <p>(8) Additional sanctions for multiple violations under the sanction rule. In the event the Agency issues an audit report wherein it has determined that violations of more than one provision of this rule (the sanction rule) have been committed, the Agency shall cumulatively apply the sanction associated with each section; if the violations invoke three or more provisions of this rule (the sanction rule), a corrective action plan will also be required.</p> <p><b>Credits</b><br/><b>Adopted Apr. 19, 2005; Amended Apr. 26, 2006, Oct. 29, 2008. Amended Sept. 7, 2010; July 25, 2017.</b></p> <p><b>Rulemaking Authority</b><br/><a href="#">409.919 FS.</a></p> <p><b>Law Implemented</b><br/><a href="#">409.907</a>, <a href="#">409.913</a>, <a href="#">409.920 FS.</a></p> <p><b>History</b> - New 4-19-05, Amended 4-26-06, 10-29-08, 9-7-10, 7-25-17.</p> <p><b>Fla. Stat. § 626.989 - Investigation by department or Division of Insurance Fraud; compliance; immunity; confidential information; reports to division; division investigator's power of arrest</b><br/><a href="http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0600-0699/0626/Sections/0626.989.html">http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0600-0699/0626/Sections/0626.989.html</a></p> <p><b>626.989. Investigation by department or Division of Criminal Investigations; compliance; immunity; confidential information; reports to division; division investigator's power of arrest</b></p> <p><b>Currentness</b></p> <p>(1) For the purposes of this section:</p> <p>(a) A person commits a “fraudulent insurance act” if the person:</p> <p>1. Knowingly and with intent to defraud presents, causes to be presented, or prepares with knowledge or belief that it will be presented, to or by an insurer, self-insurer, self-insurance fund, servicing corporation, purported insurer, broker, or any agent thereof, any written statement as part of, or in support of, an application for the issuance of, or the rating of, any insurance policy, or a claim for payment or other benefit pursuant to any insurance policy, which the</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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|                 | <p>person knows to contain materially false information concerning any fact material thereto or if the person conceals, for the purpose of misleading another, information concerning any fact material thereto.</p> <p>2. Knowingly submits:</p> <p>a. A false, misleading, or fraudulent application or other document when applying for licensure as a health care clinic, seeking an exemption from licensure as a health care clinic, or demonstrating compliance with part X of chapter 400 with an intent to use the license, exemption from licensure, or demonstration of compliance to provide services or seek reimbursement under the Florida Motor Vehicle No-Fault Law.</p> <p>b. A claim for payment or other benefit pursuant to a personal injury protection insurance policy under the Florida Motor Vehicle No-Fault Law if the person knows that the payee knowingly submitted a false, misleading, or fraudulent application or other document when applying for licensure as a health care clinic, seeking an exemption from licensure as a health care clinic, or demonstrating compliance with part X of chapter 400.</p> <p>(b) The term “insurer” also includes a health maintenance organization, and the term “insurance policy” also includes a health maintenance organization subscriber contract.</p> <p>(2) If, by its own inquiries or as a result of complaints, the department or its Division of Criminal Investigations has reason to believe that a person has engaged in, or is engaging in, a fraudulent insurance act, an act or practice that violates s. 626.9541 or s. 817.234, or an act or practice punishable under s. 624.15, it may administer oaths and affirmations, request the attendance of witnesses or proffering of matter, and collect evidence. The department or its Division of Criminal Investigations shall not compel the attendance of any person or matter in any such investigation except pursuant to subsection (4).</p> <p>(3) If matter that the department or its division seeks to obtain by request is located outside the state, the person so requested may make it available to the division or its representative to examine the matter at the place where it is located. The division may designate representatives, including officials of the state in which the matter is located, to inspect the matter on its behalf, and it may respond to similar requests from officials of other states.</p> <p>(4)(a) The department or its division may request that an individual who refuses to comply with any such request be ordered by the circuit court to provide the testimony or matter. The court shall not order such compliance unless the department or its division has demonstrated to the satisfaction of the court that the testimony of the witness or the matter under request has a direct bearing on the commission of a fraudulent insurance act, on a violation of s. 626.9541 or s. 817.234, or on an act or practice punishable under s. 624.15 or is pertinent and necessary to further such investigation.</p> <p>(b) Except in a prosecution for perjury, an individual who complies with a court order to provide testimony or matter after asserting a privilege against self-incrimination to which the individual is entitled by law may not be subjected to a criminal proceeding or to a civil penalty with respect to the act concerning which the individual is required to testify or produce relevant matter.</p> <p>(c) In the absence of fraud or bad faith, a person is not subject to civil liability for libel, slander, or any other relevant tort by virtue of filing reports, without malice, or furnishing other information, without malice, required by this section or required by the department or division under the authority granted in this section, and no civil cause of action of any nature shall arise against such person:</p> <p>1. For any information relating to suspected fraudulent insurance acts or persons suspected of engaging in such acts furnished to or received from law enforcement officials, their agents, or employees;</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|                 | <p>2. For any information relating to suspected fraudulent insurance acts or persons suspected of engaging in such acts furnished to or received from other persons subject to the provisions of this chapter;</p> <p>3. For any such information furnished in reports to the department, the division, the National Insurance Crime Bureau, the National Association of Insurance Commissioners, or any local, state, or federal enforcement officials or their agents or employees; or</p> <p>4. For other actions taken in cooperation with any of the agencies or individuals specified in this paragraph in the lawful investigation of suspected fraudulent insurance acts.</p> <p>(d) In addition to the immunity granted in paragraph (c), persons identified as designated employees whose responsibilities include the investigation and disposition of claims relating to suspected fraudulent insurance acts may share information relating to persons suspected of committing fraudulent insurance acts with other designated employees employed by the same or other insurers whose responsibilities include the investigation and disposition of claims relating to fraudulent insurance acts, provided the department has been given written notice of the names and job titles of such designated employees prior to such designated employees sharing information. Unless the designated employees of the insurer act in bad faith or in reckless disregard for the rights of any insured, neither the insurer nor its designated employees are civilly liable for libel, slander, or any other relevant tort, and a civil action does not arise against the insurer or its designated employees:</p> <p>1. For any information related to suspected fraudulent insurance acts provided to an insurer; or</p> <p>2. For any information relating to suspected fraudulent insurance acts provided to the National Insurance Crime Bureau or the National Association of Insurance Commissioners.</p> <p>Provided, however, that the qualified immunity against civil liability conferred on any insurer or its designated employees shall be forfeited with respect to the exchange or publication of any defamatory information with third persons not expressly authorized by this paragraph to share in such information.</p> <p>(e) The Chief Financial Officer and any employee or agent of the department, commission, office, or division, when acting without malice and in the absence of fraud or bad faith, is not subject to civil liability for libel, slander, or any other relevant tort, and no civil cause of action of any nature exists against such person by virtue of the execution of official activities or duties of the department, commission, or office under this section or by virtue of the publication of any report or bulletin related to the official activities or duties of the department, division, commission, or office under this section.</p> <p>(f) This section does not abrogate or modify in any way any common-law or statutory privilege or immunity heretofore enjoyed by any person.</p> <p>(5) The office's and the department's papers, documents, reports, or evidence relative to the subject of an investigation under this section are confidential and exempt from the provisions of s. 119.07(1) until such investigation is completed or ceases to be active. For purposes of this subsection, an investigation is considered “active” while the investigation is being conducted by the office or department with a reasonable, good faith belief that it could lead to the filing of administrative, civil, or criminal proceedings. An investigation does not cease to be active if the office or department is proceeding with reasonable dispatch and has a good faith belief that action could be initiated by the office or department or other administrative or law enforcement agency. After an investigation is completed or ceases to be active, portions of records relating to the investigation shall remain exempt from the provisions of s. 119.07(1) if disclosure would:</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|                 | <p>(a) Jeopardize the integrity of another active investigation;</p> <p>(b) Impair the safety and soundness of an insurer;</p> <p>(c) Reveal personal financial information;</p> <p>(d) Reveal the identity of a confidential source;</p> <p>(e) Defame or cause unwarranted damage to the good name or reputation of an individual or jeopardize the safety of an individual; or</p> <p>(f) Reveal investigative techniques or procedures. Further, such papers, documents, reports, or evidence relative to the subject of an investigation under this section shall not be subject to discovery until the investigation is completed or ceases to be active. Office, department, or division investigators shall not be subject to subpoena in civil actions by any court of this state to testify concerning any matter of which they have knowledge pursuant to a pending insurance fraud investigation by the division.</p> <p>(6)(a) Any person, other than an insurer, agent, or other person licensed under the code, or an employee thereof, having knowledge or who believes that a fraudulent insurance act or any other act or practice which, upon conviction, constitutes a felony or a misdemeanor under the code, or under s. 817.234, is being or has been committed may send to the Division of Criminal Investigations a report or information pertinent to such knowledge or belief and such additional information relative thereto as the department may request. Any professional practitioner licensed or regulated by the Department of Business and Professional Regulation, except as otherwise provided by law, any medical review committee as defined in s. 766.101, any private medical review committee, and any insurer, agent, or other person licensed under the code, or an employee thereof, having knowledge or who believes that a fraudulent insurance act or any other act or practice which, upon conviction, constitutes a felony or a misdemeanor under the code, or under s. 817.234, is being or has been committed shall send to the Division of Criminal Investigations a report or information pertinent to such knowledge or belief and such additional information relative thereto as the department may require.</p> <p>(b) The Division of Criminal Investigations shall review such information or reports and select such information or reports as, in its judgment, may require further investigation. It shall then cause an independent examination of the facts surrounding such information or report to be made to determine the extent, if any, to which a fraudulent insurance act or any other act or practice which, upon conviction, constitutes a felony or a misdemeanor under the code, or under s. 817.234, is being committed.</p> <p>(c) The Division of Criminal Investigations shall report any alleged violations of law which its investigations disclose to the appropriate licensing agency and state attorney or other prosecuting agency having jurisdiction, including, but not limited to, the statewide prosecutor for crimes that impact two or more judicial circuits in this state, with respect to any such violation, as provided in s. 624.310. The state attorney or other prosecuting agency having jurisdiction with respect to such violation shall inform the division of any reasons why prosecution of such violation was:</p> <ol style="list-style-type: none"><li>1. Not begun within 60 days after the division's report; or</li><li>2. Declined.</li></ol> <p>(7) Division investigators shall have the power to make arrests for criminal violations established as a result of investigations. Such investigators shall also be considered state law enforcement officers for all purposes and shall have the power to execute arrest warrants and search warrants; to serve subpoenas issued for the examination, investigation, and trial of all offenses; and to arrest upon probable cause without warrant any person found in the act of violating</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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|                 | <p>any of the provisions of applicable laws. Investigators empowered to make arrests under this section shall be empowered to bear arms in the performance of their duties. In such a situation, the investigator must be certified in compliance with the provisions of s. 943.1395 or must meet the temporary employment or appointment exemption requirements of s. 943.131 until certified.</p> <p>(8) It is unlawful for any person to resist an arrest authorized by this section or in any manner to interfere, either by abetting or assisting such resistance or otherwise interfering, with division investigators in the duties imposed upon them by law or department rule.</p> <p>(9) In recognition of the complementary roles of investigating instances of workers' compensation fraud and enforcing compliance with the workers' compensation coverage requirements under chapter 440, the Department of Financial Services shall prepare and submit a joint performance report to the President of the Senate and the Speaker of the House of Representatives by January 1 of each year. The annual report must include, but need not be limited to:</p> <p>(a) The total number of initial referrals received, cases opened, cases presented for prosecution, cases closed, and convictions resulting from cases presented for prosecution by the Bureau of Workers' Compensation Insurance Fraud by type of workers' compensation fraud and circuit.</p> <p>(b) The number of referrals received from insurers and the Division of Workers' Compensation and the outcome of those referrals.</p> <p>(c) The number of investigations undertaken by the Bureau of Workers' Compensation Insurance Fraud which were not the result of a referral from an insurer or the Division of Workers' Compensation.</p> <p>(d) The number of investigations that resulted in a referral to a regulatory agency and the disposition of those referrals.</p> <p>(e) The number and reasons provided by local prosecutors or the statewide prosecutor for declining prosecution of a case presented by the Bureau of Workers' Compensation Insurance Fraud by circuit.</p> <p>(f) The total number of employees assigned to the Bureau of Workers' Compensation Insurance Fraud and the Division of Workers' Compensation Bureau of Compliance delineated by location of staff assigned; and the number and location of employees assigned to the Bureau of Workers' Compensation Insurance Fraud who were assigned to work other types of fraud cases.</p> <p>(g) The average caseload and turnaround time by type of case for each investigator and division compliance employee.</p> <p>(h) The training provided during the year to workers' compensation fraud investigators and the division's compliance employees.</p> <p>(10) The Bureau of Insurance Fraud of the Division of Criminal Investigations shall prepare and submit a performance report to the President of the Senate and the Speaker of the House of Representatives by September 1 of each year. The annual report must include, but need not be limited to:</p> <p>(a) The total number of initial referrals received, cases opened, cases presented for prosecution, cases closed, and convictions resulting from cases presented for prosecution by the Bureau of Insurance Fraud, by type of insurance fraud and circuit.</p> <p>(b) The number of referrals received from insurers, the office, and the Division of Consumer Services of the department, and the outcome of those referrals.</p> <p>(c) The number of investigations undertaken by the Bureau of Insurance Fraud which were not the result of a referral from an insurer and the outcome of those referrals.</p> <p>(d) The number of investigations that resulted in a referral to a regulatory agency and the disposition of those referrals.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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|                 | <p>(e) The number of cases presented by the Bureau of Insurance Fraud which local prosecutors or the statewide prosecutor declined to prosecute and the reasons provided for declining prosecution.</p> <p>(f) A summary of the annual report required under s. 626.9896.</p> <p>(g) The total number of employees assigned to the Bureau of Insurance Fraud, delineated by location of staff assigned, and the number and location of employees assigned to the Bureau of Insurance Fraud who were assigned to work other types of fraud cases.</p> <p>(h) The average caseload and turnaround time by type of case for each investigator.</p> <p>(i) The training provided during the year to insurance fraud investigators.</p> <p>Credits</p> <p>Added by Laws 1976, c. 76-266, § 9; Laws 1977, c. 77-104, § 211; Laws 1977, c. 77-468, § 20; Laws 1978, c. 78-258, § 2; Laws 1979, c. 79-81, § 2; Laws 1979, c. 79-400, § 237; Laws 1981, c. 81-48, § 3; Laws 1983, c. 83-216, § 92; Laws 1983, c. 83-288, § 30; Laws 1987, c. 87-334, § 1; Laws 1989, c. 89-42, § 1; Laws 1990, c. 90-363, § 189; Laws 1992, c. 92-324, § 11; Laws 1993, c. 93-80, § 10; Laws 1993, c. 93-252, § 8; Laws 1994, c. 94-218, § 224; Laws 1995, c. 95-340, § 5.</p> <p>Amended by Laws 1996, c. 96-406, § 378, eff. July 3, 1996; Laws 1997, c. 97-102, § 1729, eff. July 1, 1997; Laws 1998, c. 98-174, § 15, eff. Jan. 1, 1999; Laws 1999, c. 99-204, § 2, eff. Oct. 1, 1999; Laws 2001, c. 2001-271, § 4, eff. June 19, 2001; Laws 2001, c. 2001-277, § 87, eff. July 1, 2001; ; Laws 2002, c. 2002-194, § 66, eff. July 1, 2002; Laws 2003, c. 2003-148, § 5, eff. July 1, 2003; Laws 2003, c. 2003-261, § 1041, eff. June 26, 2003; Laws 2003, c. 2003-412, § 43, eff. Oct. 1, 2003; Laws 2004, c. 2004-390, § 77, eff. July 1, 2004; Laws 2012, c. 2012-197, § 4, eff. July 1, 2012; Laws 2013, c. 2013-15, § 105, eff. July 2, 2013; Laws 2016, c. 2016-165, § 15, eff. July 1, 2016; Laws 2018, c. 2018-46, § 4, eff. July 1, 2018; Laws 2023, c. 2023-172, § 15, eff. July 1, 2023; Laws 2025, c. 2025-4, § 11, eff. Aug. 5, 2025.</p> <p><b>Fla. Stat. § 641.37 - Prohibited activities; penalties</b></p> <p><a href="http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0600-0699/0641/Sections/0641.37.html">http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0600-0699/0641/Sections/0641.37.html</a></p> <p>(1) Any person or entity which knowingly renews, issues, or delivers any health maintenance contract without first obtaining and thereafter maintaining a certificate of authority is guilty of a felony of the third degree, punishable as provided in <a href="#">s. 775.082</a> or <a href="#">s. 775.083</a>.</p> <p>(2) Except as provided in subsection (1), any person, entity, or health maintenance organization which knowingly violates the provisions of this part is guilty of a misdemeanor of the first degree, punishable as provided in <a href="#">s. 775.082</a> or <a href="#">s. 775.083</a>.</p> <p>(3) Any agent or representative, examining physician, applicant, or other person who knowingly makes any false and <b>fraudulent</b> statements or representation in, or with reference to, any application or negotiation for health maintenance organization coverage is, in addition to any other penalty provided by law, guilty of a misdemeanor of the first degree, punishable as provided in <a href="#">s. 775.082</a> or <a href="#">s. 775.083</a>.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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|                 | <p>(4) Any agent, representative, collector, or other person who, while acting on behalf of a health maintenance organization, receives or collects its funds or premium payments and fails to satisfactorily account for or turn over, when required, all such funds or payments is, in addition to the other penalties provided for by law, guilty of a misdemeanor of the second degree, punishable as provided in <a href="#">s. 775.082</a> or <a href="#">s. 775.083</a>.</p> <p>(5) Any person who, without authority granted by a health maintenance organization, collects or secures cash advances, premium payments, or other funds owing to the health maintenance organization or otherwise conducts the business of a health maintenance organization without its authority is, in addition to the other penalties provided for by law, guilty of a misdemeanor of the second degree, punishable as provided in <a href="#">s. 775.082</a> or <a href="#">s. 775.083</a>.</p> <p>🚩<b>History:</b> S. 21, ch. 72-264; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 801, 804, 809(1st), ch. 82-243; s. 34, ch. 85-177; s. 52, <a href="#">ch. 87-226</a>; ss. 187, 188, <a href="#">ch. 91-108</a>; s. 164, <a href="#">ch. 91-224</a>; s. 4, <a href="#">ch. 91-429</a>; s. 26, <a href="#">ch. 96-199</a>; s. 70, <a href="#">ch. 2002-206</a>.</p> <p><b>Fla. Stat. § 641.3903 - Unfair methods of competition and unfair or deceptive acts or practices defined</b><br/><a href="http://www.leq.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0600-0699/0641/Sections/0641.3903.html">http://www.leq.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0600-0699/0641/Sections/0641.3903.html</a></p> <p>The following are defined as unfair methods of competition and unfair or deceptive acts or practices:</p> <p>(1) <i>Misrepresentation and false advertising of health maintenance contracts.</i> --Knowingly making, issuing, or circulating, or causing to be made, issued, or circulated, any estimate, illustration, circular, statement, sales presentation, omission, or comparison which:</p> <ul style="list-style-type: none"><li>(a) Misrepresents the benefits, advantages, conditions, or terms of any health maintenance contract.</li><li>(b) Is misleading, or is a misrepresentation as to the financial condition of any person.</li><li>(c) Uses any name or title of any contract misrepresenting the true nature thereof.</li><li>(d) Is a misrepresentation for the purpose of inducing, or tending to induce, the lapse, forfeiture, exchange, conversion, or surrender of any health maintenance contract or health insurance policy, or contract providing health insurance as defined in <a href="#">s. 624.603</a>.</li><li>(e) Misrepresents the benefits, nature, characteristics, uses, standard, quantity, quality, cost, rate, scope, source, or geographic origin or location of any goods or services available from or provided by, directly or indirectly, any health maintenance organization.</li></ul> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|                 | <p>(f) Misrepresents the affiliation, connection, or association of any goods, services, or business establishment.</p> <p>(g) Advertises goods or services with intent not to sell them as advertised.</p> <p>(h) Disparages the goods, services, or business of another person by any false or misleading representation.</p> <p>(i) Misrepresents the sponsorship, endorsement, approval, or certification of goods or services.</p> <p>(j) Uses an advertising format which, by virtue of the design, location, or size of printed matter, is deceptive or misleading or which would be deceptive or misleading to any reasonable person.</p> <p>(k) Offers to provide a service which the health maintenance organization is unable to provide.</p> <p>(l) Misrepresents the availability of a service provided by the health maintenance organization, either directly or indirectly, including the availability of the service as to location.</p> <p>(2) <i>False information and advertising generally.</i> --Knowingly making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public:</p> <p>(a) In a newspaper, magazine, or other publication;</p> <p>(b) In the form of a notice, circular, pamphlet, letter, or poster;</p> <p>(c) Over any radio or television station; or</p> <p>(d) In any other way,</p> <p>an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to the business of the health maintenance organization which is untrue, deceptive, or misleading.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|                 | <p>(3) <i>Defamation.</i> --Knowingly making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting, or encouraging the making, publishing, disseminating, or circulating of, any oral or written statement, or any pamphlet, circular, article, or literature, which is false or maliciously critical of any person and which is calculated to injure such person.</p> <p>(4) <i>False statements and entries.</i></p> <p>(a) Knowingly:</p> <ol style="list-style-type: none"><li>1. Filing with any supervisory or other public official,</li><li>2. Making, publishing, disseminating, or circulating,</li><li>3. Delivering to any person,</li><li>4. Placing before the public, or</li><li>5. Causing, directly or indirectly, to be made, published, disseminated, circulated, or delivered to any person, or place before the public,</li></ol> <p>any material false statement.</p> <p>(b) Knowingly making any false entry of a material fact in any book, report, or statement of any person.</p> <p>(5) <i>Unfair claim settlement practices.</i></p> <p>(a) Attempting to settle claims on the basis of an application or any other material document which was altered without notice to, or knowledge or consent of, the subscriber or group of subscribers to a health maintenance organization;</p> <p>(b) Making a material misrepresentation to the subscriber for the purpose and with the intent of effecting settlement of claims, loss, or damage under a health maintenance contract on less favorable terms than those provided in, and contemplated by, the contract; or</p> <p>(c) Committing or performing with such frequency as to indicate a general business practice any of the following:</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|                 | <p>1. Failing to adopt and implement standards for the proper investigation of claims;</p> <p>2. Misrepresenting pertinent facts or contract provisions relating to coverage at issue;</p> <p>3. Failing to acknowledge and act promptly upon communications with respect to claims;</p> <p>4. Denying of claims without conducting reasonable investigations based upon available information;</p> <p>5. Failing to affirm or deny coverage of claims upon written request of the subscriber within a reasonable time not to exceed 30 days after a claim or proof-of-loss statements have been completed and documents pertinent to the claim have been requested in a timely manner and received by the health maintenance organization;</p> <p>6. Failing to promptly provide a reasonable explanation in writing to the subscriber of the basis in the health maintenance contract in relation to the facts or applicable law for denial of a claim or for the offer of a compromise settlement;</p> <p>7. Failing to provide, upon written request of a subscriber, itemized statements verifying that services and supplies were furnished, where such statement is necessary for the submission of other insurance claims covered by individual specified disease or limited benefit policies, provided that the organization may receive from the subscriber a reasonable administrative charge for the cost of preparing such statement;</p> <p>8. Failing to provide any subscriber with services, care, or treatment contracted for pursuant to any health maintenance contract without a reasonable basis to believe that a legitimate defense exists for not providing such services, care, or treatment. To the extent that a national disaster, war, riot, civil insurrection, epidemic, or any other emergency or similar event not within the control of the health maintenance organization results in the inability of the facilities, personnel, or financial resources of the health maintenance organization to provide or arrange for provision of a health service in accordance with requirements of this part, the health maintenance organization is required only to make a good faith effort to provide or arrange for provision of the service, taking into account the impact of the event. For the purposes of this paragraph, an event is not within the control of the health maintenance organization if the health maintenance organization cannot exercise influence or dominion over its occurrence; or</p> <p>9. Systematic downcoding with the intent to deny reimbursement otherwise due.</p> <p>(6) <i>Failure to maintain complaint-handling procedures.</i> --Failure of any person to maintain a complete record of all the complaints received since the date</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|                 | <p>of the most recent examination of the health maintenance organization by the office. For the purposes of this subsection, the term "complaint" means any written communication primarily expressing a grievance and requesting a remedy to the grievance.</p> <p>(7) <i>Operation without a subsisting certificate of authority.</i> --Operation of a health maintenance organization by any person or entity without a subsisting certificate of authority therefor or renewal, issuance, or delivery of any health maintenance contract by a health maintenance organization, person, or entity without a subsisting certificate of authority.</p> <p>(8) <i>Misrepresentation in health maintenance organization applications.</i> --Knowingly making false or <b>fraudulent</b> statements or representations on, or relative to, an application for a health maintenance contract for the purpose of obtaining a fee, commission, money, or other benefits from any health maintenance organization; agent; or representative, broker, or individual.</p> <p>(9) <i>Twisting.</i> --Knowingly making any misleading representations or incomplete or <b>fraudulent</b> comparisons of any health maintenance contracts or health maintenance organizations or of any insurance policies or insurers for the purpose of inducing, or intending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on, or convert any insurance policy or health maintenance contract or to take out a health maintenance contract or policy of insurance in another health maintenance organization or insurer.</p> <p>(10) <i>Illegal dealings in premiums; excess or reduced charges for health maintenance coverage.</i></p> <p>(a) Knowingly collecting any sum as a premium or charge for health maintenance coverage which is not then provided or is not in due course to be provided, subject to acceptance of the risk by the health maintenance organization, by a health maintenance contract issued by a health maintenance organization as permitted by this part.</p> <p>(b) Knowingly collecting as a premium or charge for health maintenance coverage any sum in excess of or less than the premium or charge applicable to health maintenance coverage, in accordance with the applicable classifications and rates as filed with the office, and as specified in the health maintenance contract.</p> <p>(11) <i>False claims; obtaining or retaining money dishonestly.</i> --Any agent or representative, physician, claimant, or other person who causes to be presented to any health maintenance organization a false claim for payment knowing the same to be false.</p> <p>(12) <i>Prohibited discriminatory practices.</i> --A health maintenance organization may not:</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|                 | <p>(a) Engage or attempt to engage in discriminatory practices that discourage participation on the basis of actual or perceived health status of Medicaid recipients.</p> <p>(b) Refuse to provide services or care to a subscriber solely because medical services may be or have been sought for injuries resulting from an assault, battery, sexual assault, sexual battery, or any other offense by a family or household member, as defined in <a href="#">s. 741.28</a>, or by another who is or was residing in the same dwelling unit.</p> <p>(13) <i>Misrepresentation in health maintenance organization; availability of providers.</i> --Knowingly misleading potential enrollees as to the availability of providers.</p> <p>(14) <i>Adverse action against a provider.</i> --Any retaliatory action by a health maintenance organization against a contracted provider, including, but not limited to, termination of a contract with the provider, on the basis that the provider communicated information to the provider's patient regarding medical care or treatment options for the patient when the provider deems knowledge of such information by the patient to be in the best interest of the patient.</p> <p>(15) <i>Participation in a wellness or health improvement program..</i></p> <p>(a) <i>Authorization to offer rewards or incentives for participation..</i> --A health maintenance organization issuing a group or individual health benefit plan may offer a voluntary wellness or health improvement program and may encourage or reward participation in the program by authorizing rewards or incentives, including, but not limited to, merchandise, gift cards, debit cards, premium discounts, contributions to a member's health savings account, or modifications to copayment, deductible, or coinsurance amounts.</p> <p>(b) <i>Verification of medical condition by nonparticipants due to medical condition..</i> --A health maintenance organization may require a member of a health benefit plan to provide verification, such as an affirming statement from the member's physician, that the member's medical condition makes it unreasonably difficult or inadvisable to participate in the wellness or health improvement program in order for that nonparticipant to receive the reward or incentive.</p> <p>(c) <i>Disclosure requirement..</i> --A reward or incentive offered under this subsection shall be disclosed in the policy or certificate.</p> <p>(d) <i>Other incentives..</i> --This subsection does not prohibit health maintenance organizations from offering other incentives or rewards for adherence to a wellness or health improvement program if otherwise authorized by state or federal law.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|                 | <p>📌<b>History:</b> SS. 36, 47, ch. 85-177; ss. 187, 188, <a href="#">ch. 91-108</a>; s. 4, <a href="#">ch. 91-429</a>; s. 28, <a href="#">ch. 96-199</a>; s. 6, <a href="#">ch. 96-223</a>; s. 1, <a href="#">ch. 99-264</a>; s. 5, <a href="#">ch. 2000-252</a>; s. 8, <a href="#">ch. 2002-55</a>; s. 1591, <a href="#">ch. 2003-261</a>; s. 2, <a href="#">ch. 2011-167</a>, eff. July 1, 2011.</p> <p>-----</p> <p>Fla. Stat. § 414.39 - <b>Fraud.</b></p> <p><b>(1)</b> Any person who knowingly:</p> <p>    <b>(a)</b> Fails, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose a material fact used in making a determination as to such person's qualification to receive public assistance under any state or federally funded assistance program;</p> <p>    <b>(b)</b> Fails to disclose a change in circumstances in order to obtain or continue to receive any such public assistance to which he or she is not entitled or in an amount larger than that to which he or she is entitled; or</p> <p>    <b>(c)</b> Aids and abets another person in the commission of any such act,</p> <p>commits a crime and shall be punished as provided in subsection (5).</p> <p><b>(2) (a)</b> Any person who knowingly:</p> <p>    <b>1.</b> Uses, transfers, acquires, traffics, alters, forges, or possesses;</p> <p>    <b>2.</b> Attempts to use, transfer, acquire, traffic, alter, forge, or possess; or</p> <p>    <b>3.</b> Aids and abets another person in the use, transfer, acquisition, traffic, alteration, forgery, or possession of, a food assistance identification card, an authorization, including, but not limited to, an electronic authorization, for the expenditure of food assistance benefits, a certificate of eligibility for medical services, or a Medicaid identification card in any manner not authorized by law commits a crime and shall be punished as provided in subsection (5).</p> <p>    <b>(b)</b> As used in this subsection, the term "traffic" includes:</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|                 | <p>1. Buying, selling, stealing, or otherwise effecting an exchange of food assistance benefits issued and accessed via electronic benefits transfer (EBT) cards, electronic benefits transfer (EBT) card numbers and personal identification numbers (PINs), or by manual voucher and signature, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone;</p> <p>2. Attempting to buy, sell, steal, or otherwise effect an exchange of food assistance benefits issued and accessed via electronic benefits transfer (EBT) cards, electronic benefits transfer (EBT) card numbers and personal identification numbers (PINs), or by manual voucher and signature, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone;</p> <p>3. Exchanging firearms, ammunition, explosives, or controlled substances, as defined in <a href="#">s. 893.02</a>, for food assistance benefits;</p> <p>4. Purchasing with food assistance benefits a product with the intent of obtaining cash or consideration other than eligible food by reselling the product, and subsequently intentionally reselling the product purchased with food assistance benefits in exchange for cash or consideration other than eligible food; or</p> <p>5. Intentionally purchasing products originally purchased with food assistance benefits in exchange for cash or consideration other than eligible food.</p> <p>(c) Any person who has possession of two or more electronic benefits transfer (EBT) cards issued to other persons and who sells or attempts to sell one or more of these cards commits a misdemeanor of the first degree, punishable as provided in <a href="#">s. 775.082</a> or <a href="#">s. 775.083</a>. A second or subsequent violation of this paragraph constitutes a felony of the third degree, punishable as provided in <a href="#">s. 775.082</a>, <a href="#">s. 775.083</a>, or <a href="#">s. 775.084</a>.</p> <p>(d) In addition to any other penalty, a person who commits a violation of paragraph (c) shall be ordered by the court to serve at least 20 hours of community service. If the court determines that the community service can be performed at a nonprofit entity that provides the community with food services for the needy, the court shall order that the community service be performed at such an entity.</p> <p>(3) Any person having duties in the administration of a state or federally funded public assistance program or in the distribution of public assistance, or authorizations or identifications to obtain public assistance, under a state or federally funded public assistance program and who:</p> <p>(a) Fraudulently misappropriates, attempts to misappropriate, or aids and abets in the misappropriation of, food assistance, an authorization for food assistance, a food assistance identification card, a certificate of eligibility for prescribed medicine, a Medicaid identification card, or public assistance from any other state or federally funded program with which he or she has been entrusted or of which he or she has gained possession by virtue of his or her</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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|                 | <p>position, or who knowingly fails to disclose any such fraudulent activity; or</p> <p><b>(b)</b> Knowingly misappropriates, attempts to misappropriate, or aids or abets in the misappropriation of, funds given in exchange for food assistance program benefits or for any form of food assistance benefits authorization,</p> <p>commits a crime and shall be punished as provided in subsection (5).</p> <p><b>(4)</b> Any person who:</p> <p><b>(a)</b> Knowingly files, attempts to file, or aids and abets in the filing of, a claim for services to a recipient of public assistance under any state or federally funded public assistance program for services that were not rendered; knowingly files a false claim or a claim for nonauthorized items or services under such a program; or knowingly bills the recipient of public assistance under such a program, or his or her family, for an amount in excess of that provided for by law or regulation;</p> <p><b>(b)</b> Knowingly fails to credit the state or its agent for payments received from social security, insurance, or other sources; or</p> <p><b>(c)</b> In any way knowingly receives, attempts to receive, or aids and abets in the receipt of, unauthorized payment or other unauthorized public assistance or authorization or identification to obtain public assistance as provided herein,</p> <p>commits a crime and shall be punished as provided in subsection (5).</p> <p><b>(5) (a)</b> If the value of the public assistance or identification wrongfully received, retained, misappropriated, sought, or used is less than an aggregate value of \$ 200 in any 12 consecutive months, such person commits a misdemeanor of the first degree, punishable as provided in <a href="#">s. 775.082</a> or <a href="#">s. 775.083</a>.</p> <p><b>(b)</b> If the value of the public assistance or identification wrongfully received, retained, misappropriated, sought, or used is of an aggregate value of \$ 200 or more, but less than \$ 20,000 in any 12 consecutive months, such person commits a felony of the third degree, punishable as provided in <a href="#">s. 775.082</a>, <a href="#">s. 775.083</a>, or <a href="#">s. 775.084</a>.</p> <p><b>(c)</b> If the value of the public assistance or identification wrongfully received, retained, misappropriated, sought, or used is of an aggregate value of \$ 20,000 or more, but less than \$ 100,000 in any 12 consecutive months, such person commits a felony of the second degree, punishable as provided in <a href="#">s. 775.082</a>, <a href="#">s. 775.083</a>, or <a href="#">s. 775.084</a>.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|                 | <p data-bbox="443 251 2497 365"><b>(d)</b> If the value of the public assistance or identification wrongfully received, retained, misappropriated, sought, or used is of an aggregate value of \$ 100,000 or more in any 12 consecutive months, such person commits a felony of the first degree, punishable as provided in <a href="#">s. 775.082</a>, <a href="#">s. 775.083</a>, or <a href="#">s. 775.084</a>.</p> <p data-bbox="443 406 2497 479"><b>(e)</b> As used in this subsection, the value of a food assistance authorization benefit is the cash or exchange value unlawfully obtained by the fraudulent act committed in violation of this section.</p> <p data-bbox="443 519 2497 592"><b>(f)</b> As used in this section, "fraud" includes the introduction of fraudulent records into a computer system, the unauthorized use of computer facilities, the intentional or deliberate alteration or destruction of computerized information or files, and the stealing of financial instruments, data, and other assets.</p> <p data-bbox="443 633 2497 909"><b>(6)</b> Any person providing service for which compensation is paid under any state or federally funded public assistance program who solicits, requests, or receives, either actually or constructively, any payment or contribution through a payment, assessment, gift, devise, bequest or other means, whether directly or indirectly, from a recipient of public assistance from such public assistance program, or from the family of such a recipient, shall notify the Department of Children and Families, on a form provided by the department, of the amount of such payment or contribution and of such other information as specified by the department, within 10 days after the receipt of such payment or contribution or, if said payment or contribution is to become effective at some time in the future, within 10 days of the consummation of the agreement to make such payment or contribution. Failure to notify the department within the time prescribed is a misdemeanor of the first degree, punishable as provided in <a href="#">s. 775.082</a> or <a href="#">s. 775.083</a>.</p> <p data-bbox="443 950 2497 1023"><b>(7)</b> Repayment of public assistance benefits or services or return of authorization or identification wrongfully obtained is not a defense to, or ground for dismissal of, criminal charges brought under this section.</p> <p data-bbox="443 1063 2497 1136"><b>(8) (a)</b> The introduction into evidence of a paid state warrant made to the order of the defendant is prima facie evidence that the defendant did receive public assistance from the state.</p> <p data-bbox="443 1177 2497 1250"><b>(b)</b> The introduction into evidence of a transaction history generated by a Personal Identification Number (PIN) establishing a purchase or withdrawal by electronic benefit transfer is prima facie evidence that the identified recipient received public assistance from the state.</p> <p data-bbox="443 1291 2497 1412"><b>(9)</b> All records relating to investigations of public assistance fraud in the custody of the department and the Agency for Health Care Administration are available for examination by the Department of Financial Services pursuant to <a href="#">s. 414.411</a> and are admissible into evidence in proceedings brought under this section as business records within the meaning of <a href="#">s. 90.803(6)</a>.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|                 | <p><b>(10)</b> The department shall create an error-prone or fraud-prone case profile within its public assistance information system and shall screen each application for public assistance, including food assistance, Medicaid, and temporary cash assistance, against the profile to identify cases that have a potential for error or fraud. Each case so identified shall be subjected to preeligibility fraud screening.</p> <p><b>(11) (a)</b> Subject to availability of funds, the department or the director of the Office of Public Benefits Integrity shall, unless the person declines the reward, pay a reward to a person who furnishes and reports original information relating to a violation of the state's public assistance fraud laws if the information and report:</p> <ol style="list-style-type: none"><li>1. Are made to the department, the Department of Financial Services, or the Department of Law Enforcement.</li><li>2. Relate to criminal fraud upon public assistance program funds or a criminal violation of public assistance fraud laws by another person.</li><li>3. Lead to the recovery of a fine, penalty, or forfeiture of property.</li></ol> <p><b>(b)</b> The reward may not exceed 10 percent of the amount recovered or \$ 500,000, whichever is less, in a single case.</p> <p><b>(c)</b> The reward shall be paid from the state share of the recovery in the Federal Grants Trust Fund from moneys collected pursuant to <a href="#">s. 414.41</a>.</p> <p><b>(d)</b> A person who receives a reward pursuant to this subsection is not eligible to receive funds pursuant to the Florida False Claims Act for Medicaid fraud for which the reward was received.</p> <p>🚩<b>History:</b> S. 1, ch. 69-268; ss. 19, 35, ch. 69-106; s. 1, ch. 70-255; s. 354, ch. 71-136; s. 1, ch. 76-20; s. 2, <a href="#">ch. 92-125</a>; s. 42, <a href="#">ch. 96-175</a>; s. 218, <a href="#">ch. 97-101</a>; s. 1037, <a href="#">ch. 97-103</a>; s. 30, <a href="#">ch. 97-173</a>; s. 9, <a href="#">ch. 99-333</a>; s. 67, <a href="#">ch. 2000-153</a>; s. 46, <a href="#">ch. 2000-165</a>; s. 10, <a href="#">ch. 2010-144</a>, eff. Jan. 1, 2011; s. 30, <a href="#">ch. 2010-209</a>, eff. July 1, 2010; s. 229, <a href="#">ch. 2014-19</a>, eff. July 1, 2014; s. 1, <a href="#">ch. 2014-119</a>, eff. Oct. 1, 2014; s. 1, <a href="#">ch. 2016-185</a>, eff. Oct. 1, 2016.</p> |
|                 | <b>Qui Tam Actions &amp; Remedies</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|                 | <p><b>Fla. Stat. § 68.083. Civil actions for false claims</b></p> <p><a href="http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0000-0099/0068/Sections/0068.083.html">http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0000-0099/0068/Sections/0068.083.html</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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|                 | <p>(1) The department may diligently investigate a violation under <a href="#">s. 68.082</a>. If the department finds that a person has violated or is violating <a href="#">s. 68.082</a>, the department may bring a civil action under the Florida False Claims Act against the person. The Department of Financial Services may bring a civil action under this section if the action arises from an investigation by that department and the Department of Legal Affairs has not filed an action under this act.</p> <p>(2) <b>A person may bring a civil action for a violation of <a href="#">s. 68.082</a></b> for the person and for the affected agency. Civil actions instituted under this act shall be governed by the Florida Rules of Civil Procedure and shall be brought in the name of the State of Florida. Prior to the court unsealing the complaint under subsection (3), the action may be voluntarily dismissed by the person bringing the action only if the department gives written consent to the dismissal and its reasons for such consent.</p> <p>(3) The complaint shall be identified on its face as a qui tam action and shall be filed in the circuit court of the Second Judicial Circuit, in and for Leon County. Immediately upon the filing of the complaint, a copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the Attorney General, as head of the department, and on the Chief Financial Officer, as head of the Department of Financial Services, by registered mail, return receipt requested. The department, or the Department of Financial Services under the circumstances specified in subsection (4), may elect to intervene and proceed with the action, on behalf of the state, within 60 days after it receives both the complaint and the material evidence and information.</p> <p>(4) If a person brings an action under subsection (2) and the action is based upon the facts underlying a pending investigation by the Department of Financial Services, the Department of Financial Services, instead of the department, may take over the action on behalf of the state. In order to take over the action, the Department of Financial Services must give the department written notification within 20 days after the action is filed that the Department of Financial Services is conducting an investigation of the facts of the action and that the Department of Financial Services, instead of the department, will take over the action filed under subsection (2). If the Department of Financial Services takes over the action under this subsection, the word "department" as used in this act means the Department of Financial Services, and that department, for purposes of that action, shall have all rights and standing granted the department under this act.</p> <p>(5) The department may, for good cause shown, request the court to extend the time during which the complaint remains under seal under subsection (2). Any such motion may be supported by affidavits or other submissions in camera. The defendant is not required to respond to any complaint filed under this section until 20 days after the complaint is unsealed and served upon the defendant in accordance with law.</p> <p>(6) Before the expiration of the 60-day period or any extensions obtained under subsection (5), the department shall:</p> <p>(a) Proceed with the action, in which case the action is conducted by the department on behalf of the state; or</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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|                 | <p>(b) Notify the court that it declines to take over the action, in which case the person bringing the action has the right to conduct the action.</p> <p>(7) When a person files an action under this section, no person other than the department may intervene or bring a related action based on the facts underlying the pending action.</p> <p>(8) (a) Except as otherwise provided in this subsection, the complaint and information held by the department pursuant to an investigation of a violation of <a href="#">s. 68.082</a> is confidential and exempt from <a href="#">s. 119.07(1)</a> and <a href="#">s. 24(a), Art. I of the State Constitution</a>.</p> <p>(b) Information made confidential and exempt under paragraph (a) may be disclosed by the department to a law enforcement agency or another administrative agency in the performance of its official duties and responsibilities.</p> <p>(c) Information made confidential and exempt under paragraph (a) is no longer confidential and exempt once the investigation is completed, unless the information is otherwise protected by law.</p> <p>(d) For purposes of this subsection, an investigation is considered complete:</p> <ol style="list-style-type: none"><li>1. Under subsection (1) once the department either files its own action or closes its investigation without filing an action.</li><li>2. Under subsection (2) upon the unsealing of the qui tam action or its voluntary dismissal prior to any unsealing.</li></ol> <p>📖<b>History:</b> S. 3, <a href="#">ch. 94-316</a>; s. 103, <a href="#">ch. 2003-261</a>; s. 3, <a href="#">ch. 2007-236</a>, eff. July 1, 2007; s. 3, <a href="#">ch. 2013-104</a>, eff. July 1, 2013; s. 1, <a href="#">ch. 2013-105</a>, eff. July 1, 2013. <a href="#">Laws 2018, c. 2018-75, § 1, eff. Oct. 1, 2018.</a></p> <p><b>68.085 Awards to plaintiffs bringing action.—</b><br/><a href="http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0000-0099/0068/Sections/0068.085.html">http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0000-0099/0068/Sections/0068.085.html</a></p> <p>(1) (a) If the department proceeds with an action brought by a person under this act, subject to the requirements of paragraph (b), the person shall receive at least 15 percent but not more than 25 percent of the proceeds of the action or settlement of the claim, depending upon the extent to which the person substantially contributed to the prosecution of the action.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|                 | <p>(b) If the court finds the action to be based primarily on disclosures of specific information, other than information provided by the person bringing the action, relating to allegations or transactions in a criminal, civil, or administrative hearing; a legislative, administrative, inspector general, or auditor general report, hearing, audit, or investigation; or from the news media, the court may award such sums as it considers appropriate, but in no case more than 10 percent of the proceeds, taking into account the significance of the information and the role of the person bringing the action in advancing the case to litigation.</p> <p>(c) Any payment to a person under paragraph (a) or paragraph (b) shall be made from the proceeds. The person shall also receive an amount for reasonable expenses that the court finds to have been necessarily incurred, plus reasonable attorney fees and costs. All such expenses, fees, and costs shall be awarded against the defendant.</p> <p>(2) If the department does not proceed with an action under this section, the person bringing the action or settling the claim shall receive an amount that the court decides is reasonable for collecting the civil penalty and damages. The amount shall be not less than 25 percent and not more than 30 percent of the proceeds of the action or settlement and shall be paid out of such proceeds. The person shall also receive an amount for reasonable expenses that the court finds to have been necessarily incurred, plus reasonable attorney fees and costs. All such expenses, fees, and costs shall be awarded against the defendant.</p> <p>(3) Following any distributions under subsection (1) or subsection (2), the state entity injured by the submission of a false or fraudulent claim shall be awarded an amount not to exceed its compensatory damages. If the action was based on a claim of funds from the state Medicaid program, 10 percent of any remaining proceeds shall be deposited into the Operating Trust Fund to fund rewards for persons who report and provide information relating to Medicaid fraud pursuant to <a href="#">s. 409.9203</a>. Any remaining proceeds, including civil penalties awarded under <a href="#">s. 68.082</a>, shall be deposited in the General Revenue Fund.</p> <p>(4) Regardless of whether the department proceeds with the action, if the court finds that the action was brought by a person who planned and initiated the violation of <a href="#">s. 68.082</a> upon which the action was brought, the court may, to the extent the court considers appropriate, reduce the share of the proceeds of the action that the person would otherwise receive under this section, taking into account the role of the person in advancing the case to litigation and any relevant circumstances pertaining to the violation. If the person bringing the action is convicted of criminal conduct arising from his or her role in the violation of <a href="#">s. 68.082</a>, the person shall be dismissed from the civil action and shall not receive any share of the proceeds of the action. Such dismissal shall not prejudice the right of the department to continue the action.</p> <p>📖<b>History:</b> S. 5, <a href="#">ch. 94-316</a>; s. 11, <a href="#">ch. 95-153</a>; s. 5, <a href="#">ch. 2007-236</a>, eff. July 1, 2007; s. 2, <a href="#">ch. 2009-223</a>, eff. July 1, 2009; s. 22, <a href="#">ch. 2010-162</a>, eff. July 1, 2010; s. 6, <a href="#">ch. 2013-104</a>, eff. July 1, 2013.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|                 | <p data-bbox="446 217 1171 248"><b>Fla. Stat. § 68.086. Expenses; attorney's fees and costs</b></p> <p data-bbox="446 253 2335 284"><a href="http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0000-0099/0068/Sections/0068.086.html">http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0000-0099/0068/Sections/0068.086.html</a></p> <p data-bbox="446 289 2494 362">(1) If the department initiates an action under this act or assumes control of an action brought by a person under this act, the department shall be awarded its reasonable attorney fees, expenses, and costs.</p> <p data-bbox="446 407 2421 518">(2) If the department does not proceed with an action under this act and the person bringing the action conducts the action, the court may award to the defendant its reasonable attorney fees and expenses if the defendant prevails in the action and the court finds that the claim of the person bringing the action was clearly frivolous, clearly vexatious, or brought primarily for purposes of harassment.</p> <p data-bbox="446 563 2357 636">(3) No liability shall be incurred by the state or the department for any expenses, attorney fees, or other costs incurred by any person in bringing or defending an action under this act.</p> <p data-bbox="446 682 2201 712"><b>History:</b> S. 6, <a href="#">ch. 94-316</a>; s. 2, <a href="#">ch. 2009-193</a>, eff. June 16, 2009; s. 3, <a href="#">ch. 2009-223</a>, eff. July 1, 2009; s. 7, <a href="#">ch. 2013-104</a>, eff. July 1, 2013.</p> <p data-bbox="446 758 1247 789"><b>Fla. Stat. § 409.9203 - Rewards for reporting Medicaid fraud</b></p> <p data-bbox="446 794 2279 824"><a href="http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0400-0499/0409/Sections/0409.9203.html">http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0400-0499/0409/Sections/0409.9203.html</a></p> <p data-bbox="446 829 2475 945">(1) The Department of Law Enforcement or director of the Medicaid Fraud Control Unit shall, subject to availability of funds, pay a reward to a person who furnishes original information relating to and reports a violation of the state's Medicaid fraud laws, unless the person declines the reward, if the information and report:</p> <p data-bbox="446 990 2381 1063">(a) Is made to the Office of the Attorney General, the Agency for Health Care Administration, the Department of Health, or the Department of Law Enforcement;</p> <p data-bbox="446 1109 1951 1140">(b) Relates to criminal fraud upon Medicaid funds or a criminal violation of Medicaid laws by another person; and</p> <p data-bbox="446 1185 1338 1216">(c) Leads to a recovery of a fine, penalty, or forfeiture of property.</p> <p data-bbox="446 1261 1876 1292">(2) The reward may not exceed the lesser of 25 percent of the amount recovered or \$ 500,000 in a single case.</p> <p data-bbox="446 1338 1803 1369">(3) The reward shall be paid from the Operating Trust Fund from moneys collected pursuant to <a href="#">s. 68.085</a>.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|                 | <p>(4) A person who receives a reward pursuant to this section is not eligible to receive any funds pursuant to the Florida False Claims Act for Medicaid fraud for which a reward is received pursuant to this section.</p> <p>(5) Notwithstanding <a href="#">s. 68.085(3)</a>, the 10 percent of any remaining proceeds deposited into the Operating Trust Fund from an action based on a claim of funds from the state Medicaid program shall be allocated in the following manner:</p> <p>    (a) Fifty percent of such moneys shall be used to fund rewards for reporting Medicaid fraud pursuant to this section.</p> <p>    (b) The remaining 50 percent of such moneys shall be used by the Medicaid Fraud Control Unit to fund its investigations of potential violations of <a href="#">s. 68.082</a> and any related civil actions.</p> <p>📖<b>History:</b> S. 20, <a href="#">ch. 2009-223</a>, eff. July 1, 2009; s. 2, <a href="#">ch. 2013-207</a>, eff. July 1, 2013; s. 3, <a href="#">ch. 2015-92</a>, eff. July 1, 2015.</p> <p><b>Fla. Stat. § 626.9892 - Anti-Fraud Reward Program; reporting of insurance fraud</b><br/><a href="http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0600-0699/0626/Sections/0626.9892.html">http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0600-0699/0626/Sections/0626.9892.html</a><br/><b>Anti-Fraud Reward Program; reporting of insurance fraud.</b><br/><b><u>Currentness</u></b></p> <p>(1) The Anti-Fraud Reward Program is hereby established within the department, to be funded from the Insurance Regulatory Trust Fund.</p> <p>(2) The department may pay rewards of up to \$25,000 to persons providing information leading to the arrest of persons committing crimes investigated by the department arising from violations of <a href="#">s. 400.9935</a>, <a href="#">s. 440.105</a>, <a href="#">s. 624.15</a>, <a href="#">s. 626.112</a>, <a href="#">s. 626.8473</a>, <a href="#">s. 626.8738</a>, <a href="#">s. 626.9541</a>, <a href="#">s. 626.989</a>, <a href="#">s. 790.164</a>, <a href="#">s. 790.165</a>, <a href="#">s. 790.166</a>, <a href="#">s. 806.01</a>, <a href="#">s. 806.031</a>, <a href="#">s. 806.10</a>, <a href="#">s. 806.111</a>, <a href="#">s. 812.014</a>, <a href="#">s. 817.034</a>, <a href="#">s. 817.233</a>, <a href="#">s. 817.234</a>, <a href="#">s. 817.236</a>, <a href="#">s. 817.2361</a>, <a href="#">s. 817.505</a>, <a href="#">s. 817.568</a>, <a href="#">s. 831.01</a>, <a href="#">s. 895.03</a>, <a href="#">s. 895.04</a>, or <a href="#">s. 896.101</a>.</p> <p>(3) Only a single reward amount may be paid by the department for claims arising out of the same transaction or occurrence, regardless of the number of persons arrested and convicted and the number of persons submitting claims for the reward. The reward may be disbursed among more than one person in amounts determined by the department.</p> <p>(4) The department shall adopt rules which set forth the application and approval process, including the criteria against which claims shall be evaluated, the basis for determining specific reward amounts, and the manner in which rewards shall be disbursed. Applications for rewards authorized by this section must be made pursuant to rules established by the department.</p> <p>(5) Determinations by the department to grant or deny a reward under this section shall not be considered agency action subject to review under <a href="#">s. 120.569</a> or <a href="#">s. 120.57</a>.</p> |

| State /Citation                                                                                                         | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|                                                                                                                         | <p><b>Credits</b><br/>Added by <a href="#">Laws 1999, c. 99-204, § 3, eff. Oct. 1, 1999</a>. Amended by <a href="#">Laws 2002, c. 2002-236, § 19, eff. July 1, 2002</a>; <a href="#">Laws 2003, c. 2003-261, § 1042, eff. June 26, 2003</a>; <a href="#">Laws 2016, c. 2016-132, § 17, eff. July 1, 2016</a>; <a href="#">Laws 2016, c. 2016-165, § 17, eff. July 1, 2016</a>; <a href="#">Laws 2018, c. 2018-102, § 38, eff. July 1, 2018</a>; <a href="#">Laws 2023, c. 2023-144, § 31, eff. May 25, 2023</a>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|                                                                                                                         | <p><b>Whistle-blower Protections</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                                                                                                                         | <p><b>Fla. Stat. § 68.088. Protection for participating employees</b></p> <p><a href="http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0000-0099/0068/Sections/0068.088.html">http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=0000-0099/0068/Sections/0068.088.html</a><br/>Any employee who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment by his or her employer because of lawful acts done by the employee on behalf of the employee or others in furtherance of an action under this act, including investigation for initiation of, testimony for, or assistance in an action filed or to be filed under this act, shall have a cause of action under s. 112.3187.<br/><b>History:</b> S. 8, <a href="#">ch. 94-316</a>.</p>                                                                                                                                                                                                                                                                                                                                          |
| <p><i>Hawaii/</i> HRS § 661-21 – 661-29<br/>HRS § 46-171 - 46-179<br/>HRS § 378-61 <i>et seq</i><br/>HRS § 346-43.5</p> | <p><b>Criminal and Civil Penalties for False Claims and Statements</b></p> <p>Hawaii Other Helpful Information About Medicaid Fraud &amp; Reporting Fraud<br/><a href="https://medquest.hawaii.gov/en/members-applicants/fraud-prevention.html">https://medquest.hawaii.gov/en/members-applicants/fraud-prevention.html</a><br/><a href="http://ag.hawaii.gov/cjd/medicaid-fraud-control-unit/">http://ag.hawaii.gov/cjd/medicaid-fraud-control-unit/</a></p> <p><b>HRS § 661-21 - Actions for false claims to the State; qui tam actions.</b><br/><a href="http://www.capitol.hawaii.gov/hrscurrent/Vol13_Ch0601-0676/HRS0661/HRS_0661-.htm">http://www.capitol.hawaii.gov/hrscurrent/Vol13_Ch0601-0676/HRS0661/HRS_0661-.htm</a><br/><br/><a href="http://www.capitol.hawaii.gov/hrscurrent/Vol13_Ch0601-0676/HRS0661/HRS_0661-0021.htm">http://www.capitol.hawaii.gov/hrscurrent/Vol13_Ch0601-0676/HRS0661/HRS_0661-0021.htm</a></p> <p>(a) Notwithstanding <a href="#">section 661-7</a> to the contrary, any person who:<br/>(1) Knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;<br/>(2) Knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim;</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                 | <p>(3) Has possession, custody, or control of property or money used, or to be used, by the State and, intending to defraud the State or to wilfully conceal the property, delivers, or causes to be delivered, less property than the amount for which the person receives a certificate or receipt;</p> <p>(4) Is authorized to make or deliver a document certifying receipt of property used, or to be used by the State and, intending to defraud the State, makes or delivers the receipt without completely knowing that the information on the receipt is true;</p> <p>(5) Knowingly buys, or receives as a pledge of an obligation or debt, public property from any officer or employee of the State who is not lawfully authorized to sell or pledge the property;</p> <p>(6) Knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the State, or knowingly conceals, or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the State;</p> <p>(7) Is a beneficiary of an inadvertent submission of a false claim to the State, who subsequently discovers the falsity of the claim, and fails to disclose the false claim to the State within a reasonable time after discovery of the false claim; or</p> <p>(8) Conspires to commit any of the conduct described in this subsection,</p> <p>shall be liable to the State for a civil penalty of not less than \$11,463 and not more than \$22,927, plus three times the amount of damages that the State sustains due to the act of that person; provided that for 2020 and annually thereafter, the minimum and maximum penalty amounts shall be the same as the minimum and maximum civil monetary penalty amounts authorized for the federal False Claims Act, <a href="#">title 31 United States Code section 3729</a>, adjusted for cost-of-living adjustments and for the same effective dates, as adopted by the United States Department of Justice by federal rule in title 28 Code of Federal Regulations part 85,<a href="#">1</a> pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, <a href="#">P.L. 101-410</a>, <a href="#">title 31 United States Code section 3717</a>.</p> <p>(b) If the court finds that a person who has violated subsection (a):</p> <p>(1) Furnished officials of the State responsible for investigating false claims violations with all information known to the person about the violation within thirty days after the date on which the defendant first obtained the information;</p> <p>(2) Fully cooperated with any state investigation of the violation; and</p> <p>(3) At the time the person furnished the State with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced under this title with respect to the violation, and the person did not have actual knowledge of the existence of an investigation into the violation;</p> <p>the court may assess not less than two times the amount of damages that the State sustains because of the act of the person. A person violating subsection (a) shall also be liable to the State for the costs and attorneys' fees of a civil action brought to recover the penalty or damages.</p> <p>(c) Liability under this section shall be joint and several for any act committed by two or more persons.</p> <p>(d) This section shall not apply to any controversy involving an amount of less than \$500 in value. For purposes of this subsection, “controversy” means the aggregate of any one or more false claims submitted by the same person in violation of this part. Proof of specific intent to defraud is not required.</p> <p>(e) For purposes of this section:</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|                 | <p>“Claim” means any request or demand, whether under a contract or otherwise, for money or property, and whether or not the State has title to the money or property, that is presented to an officer, employee, or agent of the State or is made to a contractor, grantee, or other recipient, if the money or property is to be spent or used on the State's behalf or to advance a state program or interest, and if the State provides or has provided any portion of the money or property that is requested or demanded or will reimburse the contractor, grantee, or other recipient for any portion of the money or property that is requested or demanded. “Claim” shall not include requests or demands for money or property that the State has paid to an individual as compensation for employment or as an income subsidy with no restrictions on that individual's use of the money or property.</p> <p>“Knowing” and “knowingly” means that a person, with respect to information:</p> <ul style="list-style-type: none"><li>(1) Has actual knowledge of the information;</li><li>(2) Acts in deliberate ignorance of the truth or falsity of the information; or</li><li>(3) Acts in reckless disregard of the truth or falsity of the information;</li></ul> <p>and no proof of specific intent to defraud is required.</p> <p>“Material” means having the tendency to influence or capability to influence the payment or receipt of money or property.</p> <p>“Obligation” means an established duty, whether or not fixed, arising from an express or implied contractual, grantor-grantee, or licensor-licensee relationship, from a fee-based or similar relationship, from statute, regulation, or administrative rule, or from the retention of any overpayment.</p> <p><b>Credits</b></p> <p><a href="#">Laws 2000, ch. 126, § 1</a>; <a href="#">Laws 2001, ch. 55, § 28</a>(1); <a href="#">Laws 2012, ch. 294, § 6</a>, eff. July 9, 2012; <a href="#">Laws 2019, ch. 68, § 2</a>, eff. June 7, 2019.</p> <p><b>HRS § 46-171. Actions for false claims to the counties; qui tam actions.</b></p> <p><a href="http://www.capitol.hawaii.gov/hrscurrent/Vol02_Ch0046-0115/HRS0046/HRS_0046-0171.htm">http://www.capitol.hawaii.gov/hrscurrent/Vol02_Ch0046-0115/HRS0046/HRS_0046-0171.htm</a></p> <p>HRS § 46-171</p> <p><b>§ 46-171. Actions for false claims to the counties; qui tam actions</b></p> <p><a href="#">Currentness</a></p> <p>&lt;This section is partially suspended through the disaster emergency relief period declared by the Proclamation Relating to Wildfires, which was signed and took effect on August 8, 2023, and all executive actions issued subsequent thereto.&gt;</p> <p>(a) Any person who:</p> <ul style="list-style-type: none"><li>(1) Knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;</li><li>(2) Knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim;</li></ul> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|                 | <p>(3) Has possession, custody, or control of property or money used, or to be used, by a county and, intending to defraud a county or to wilfully conceal the property, delivers, or causes to be delivered, less property than the amount for which the person receives a certificate or receipt;</p> <p>(4) Is authorized to make or deliver a document certifying receipt of property used, or to be used by a county and, intending to defraud a county, makes or delivers the receipt without completely knowing that the information on the receipt is true;</p> <p>(5) Buys, or receives as a pledge of an obligation or debt, public property from any officer or employee of a county that the person knows is not lawfully authorized to sell or pledge the property;</p> <p>(6) Knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay or transmit money or property to a county, or knowingly conceals, or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to a county;</p> <p>(7) Is a beneficiary of an inadvertent submission of a false claim to a county, who subsequently discovers the falsity of the claim, and fails to disclose the false claim to the county within a reasonable time after discovery of the false claim; or</p> <p>(8) Conspires to commit any of the conduct described in this subsection,</p> <p>shall be liable to the county for a civil penalty of not less than \$5,500 and not more than \$11,000, plus three times the amount of damages that the county sustains due to the act of that person.</p> <p>(b) If the court finds that a person who has violated subsection (a):</p> <p>(1) Furnished officials of the county responsible for investigating false claims violations with all information known to the person about the violation within thirty days after the date on which the defendant first obtained the information;</p> <p>(2) Fully cooperated with any county investigation of the violation; and</p> <p>(3) At the time the person furnished the county with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced under this title with respect to the violation, and the person did not have actual knowledge of the existence of an investigation into the violation;</p> <p>the court may assess not less than two times the amount of damages that the county sustains because of the act of the person. A person violating subsection (a) shall also be liable to the county for the costs and attorneys' fees of a civil action brought to recover the penalty or damages.</p> <p>(c) Liability under this section shall be joint and several for any act committed by two or more persons.</p> <p>(d) This section shall not apply to any controversy involving an amount of less than \$500 in value. For purposes of this subsection, “controversy” means the aggregate of any one or more false claims submitted by the same person in violation of this part. Proof of specific intent to defraud is not required.</p> <p>(e) For purposes of this section:</p> <p>“Claim” means any request or demand, whether under a contract or otherwise, for money or property, and whether or not a county has title to the money or property, that is presented to an officer, employee, or agent of the county or is made to a contractor, grantee, or other recipient, if the money or property is to be spent or used on the county's behalf or to advance a county program or interest, and if the county provides or has provided any portion of the money</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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|                 | <p>or property that is requested or demanded or will reimburse the contractor, grantee, or other recipient for any portion of the money or property that is requested or demanded. “Claim” shall not include requests or demands for money or property that a county has paid to an individual as compensation for employment or as an income subsidy with no restrictions on that individual's use of the money or property.</p> <p>“Knowing” and “knowingly” means that a person, with respect to information:</p> <ul style="list-style-type: none"><li>(1) Has actual knowledge of the information;</li><li>(2) Acts in deliberate ignorance of the truth or falsity of the information; or</li><li>(3) Acts in reckless disregard of the truth or falsity of the information;</li></ul> <p>and no proof of specific intent to defraud is required.</p> <p>“Material” means having the tendency to influence or capability to influence the payment or receipt of money or property.</p> <p>“Obligation” means an established duty, whether or not fixed, arising from an express or implied contractual, grantor-grantee, or licensor-licensee relationship, from a fee-based or similar relationship, from statute, regulation, or administrative rule, or from the retention of any overpayment.</p> <p><b>Credits</b></p> <p><a href="#"><u>Laws 2001, ch. 227, § 1</u></a>; <a href="#"><u>Laws 2012, ch. 294, § 2</u></a>, eff. July 9, 2012.</p> <p>HRS § 346-43.5 - <b>Medical assistance fraud; penalties.</b></p> <p>(a) A person commits the offense of medical assistance fraud if:</p> <ul style="list-style-type: none"><li>(1) The person knowingly makes or causes to be made to the medical assistance program any false statement or representation of a material fact in any application for any benefit or payment for furnishing services or supplies, or for the purpose of obtaining greater compensation than that to which the person is legally entitled, or for the purpose of obtaining authorization for furnishing services or supplies; or</li><li>(2) The person knowingly makes or causes to be made any false statement or representation of a material fact in any application for any medical assistance benefit or renewal of any medical assistance benefit, or in any statement, document, or record, in written, printed, or electronic form, in support of, or connected with, that application for or renewal of medical assistance benefits.</li></ul> <p>(b) A person convicted under subsection (a)(2) shall pay restitution equivalent to the amount of medical assistance benefits paid by the State on behalf of that person.</p> <p>(c) For purposes of this section, the term “medical assistance benefit” means health care coverage or services, including medical, behavioral health, dental, or long-term care services, provided to or paid for on behalf of a person by the State, regardless of source of funding. Payment for medical assistance benefits</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                 | <p>may be made through capitated payments, insurance premiums, copayments, any payments made by the State to that person's health care providers, and any other payments made by the State on behalf of the person for health care coverage or services.</p> <p>(d) The offense of medical assistance fraud is a class C felony.</p> <p>(e) The remedies provided under this section are not exclusive and shall not preclude the use of any other criminal or civil remedy.</p> <p><b>Credits</b></p> <p>Laws 1980, ch. 210, § 1; <a href="#">Laws 2016, ch. 94, § 1</a>, eff. June 21, 2016.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|                 | <p><b>Qui Tam Actions &amp; Remedies</b></p> <p><b>HRS § 661-25 - Action by private persons.</b></p> <p><a href="http://www.capitol.hawaii.gov/hrscurrent/Vol13_Ch0601-0676/HRS0661/HRS_0661-0025.htm">http://www.capitol.hawaii.gov/hrscurrent/Vol13_Ch0601-0676/HRS0661/HRS_0661-0025.htm</a></p> <p><b>Action by private persons</b></p> <p><u><a href="#">Currentness</a></u></p> <p>(a) A person may bring a civil action for a violation of <a href="#">section 661-21</a> for the person and for the State. The action shall be brought in the name of the State. The action may be dismissed only with the written consent of the court, taking into account the best interests of the parties involved and the public purposes behind this part.</p> <p>(b) A copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the State in accordance with the Hawaii rules of civil procedure. The complaint shall be filed in camera, shall remain under seal for at least sixty days, and shall not be served on the defendant until the court so orders. The State may elect to intervene and proceed with the action within sixty days after it receives both the complaint and the material evidence and information.</p> <p>(c) The State may, for good cause shown, move the court for extensions of the time during which the complaint remains under seal under subsection (b). Any such motions may be supported by affidavits or other submissions in camera. The defendant shall not be required to respond to any complaint filed under this section until twenty days after the complaint is unsealed and served upon the defendant in accordance with the Hawaii rules of civil procedure.</p> <p>(d) Before the expiration of the sixty-day period or any extension obtained, the State shall:</p> <p>(1) Proceed with the action, in which case the action shall be conducted by the State and the seal shall be lifted; or</p> <p>(2) Notify the court that it declines to take over the action, in which case the person bringing the action shall have the right to conduct the action and the seal shall be lifted.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|                 | <p>(e) When a person brings an action under this section, no person other than the State may intervene or bring a related action based on the facts underlying the pending action.</p> <p><b>Credits</b></p> <p><a href="#">Laws 2000, ch. 126, § 1</a>; <a href="#">Laws 2001, ch. 55, § 28</a>(4).</p> <p><br/></p> <p>HRS § 661-26 - <b>Rights of parties to qui tam actions.</b></p> <p><a href="http://www.capitol.hawaii.gov/hrscurrent/Vol13_Ch0601-0676/HRS0661/HRS_0661-0026.htm">http://www.capitol.hawaii.gov/hrscurrent/Vol13_Ch0601-0676/HRS0661/HRS_0661-0026.htm</a></p> <p><u><a href="#">Currentness</a></u></p> <p>(a) If the State proceeds with an action under <a href="#">section 661-25</a>, the State shall have the primary responsibility for prosecuting the action and shall not be bound by an act of the person bringing the action. The person shall have the right to continue as a party to the action, subject to the following limitations:</p> <p>(1) The State may dismiss the action notwithstanding the objections of the person initiating the action if the court determines, after a hearing on the motion, that dismissal should be allowed;</p> <p>(2) The State may settle the action with the defendant notwithstanding the objections of the person initiating the action if the court determines, after a hearing, that the proposed settlement is fair, adequate, and reasonable. Upon a showing of good cause, the hearing may be held in camera;</p> <p>(3) The court, upon a showing by the State that unrestricted participation during the course of the litigation by the person initiating the action would interfere with or unduly delay the State's prosecution of the case, or would be repetitious, irrelevant, or for purposes of harassment, may, in its discretion impose limitations on the person's participation by:</p> <p>(A) Limiting the number of witnesses the person may call;</p> <p>(B) Limiting the length of the testimony of the witnesses;</p> <p>(C) Limiting the person's cross-examination of witnesses; or</p> <p>(D) Otherwise limiting the participation by the person in the litigation.</p> <p>(b) The defendant, by motion upon the court, may show that unrestricted participation during the course of the litigation by the person initiating the action would be for purposes of harassment or would cause the defendant undue burden or unnecessary expense. At the court's discretion, the court may limit the participation by the person in the litigation.</p> <p>(c) If the State elects not to proceed with the action, the person who initiated that action shall have the right to conduct the action. If the State so requests, it shall be served with copies of all pleadings filed in the action and shall be supplied with copies of all deposition transcripts at the State's expense. When a person proceeds with the action, the court without limiting the status and rights of the person initiating the action, may nevertheless permit the State to intervene at a later date upon showing of good cause.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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|                 | <p>(d) Whether or not the State proceeds with the action, upon motion and a showing by the State that certain actions of discovery by the person initiating the action would interfere with the State's investigation or prosecution of a criminal or civil matter arising out of the same facts, the court may stay the discovery for a period of not more than sixty days. The court may extend the sixty-day period upon a motion and showing by the State that the State has pursued the investigation or prosecution of the criminal or civil matter with reasonable diligence and the proposed discovery would interfere with the ongoing investigation or prosecution of the criminal or civil matter.</p> <p>(e) Notwithstanding <a href="#">section 661-25</a>, the State may elect to pursue its claim through any alternate remedy available to the State, including any administrative proceedings to determine civil monetary penalties. If any alternate remedy is pursued in another proceeding, the person initiating the action shall have the same rights in the proceedings as the person would have had if the action had continued under this section. Any finding of fact or conclusion of law made in the other proceeding that becomes final shall be conclusive on all parties to an action under this section.</p> <p>(f) Whether or not the State elects to proceed with the action, the parties to the action shall receive court approval of any settlements reached.</p> <p><b>Credits</b><br/><a href="#">Laws 2000, ch. 126, § 1.</a></p> <p><b>[§ 661-27.] Awards to qui tam plaintiffs.</b><br/><a href="http://www.capitol.hawaii.gov/hrscurrent/Vol13_Ch0601-0676/HRS0661/HRS_0661-0027.htm">http://www.capitol.hawaii.gov/hrscurrent/Vol13_Ch0601-0676/HRS0661/HRS_0661-0027.htm</a></p> <p>(a) If the State proceeds with an action brought by a person under <a href="#">section 661-25</a>, the person shall receive at least fifteen per cent but not more than twenty-five per cent of the proceeds of the action or settlement of the claim, depending upon the extent to which the person substantially contributed to the prosecution of the action. Where the action is one that the court finds to be based primarily on disclosures of specific information, other than information provided by the person bringing the action, relating to allegations or transactions in a criminal, civil, or administrative hearing, in a legislative or administrative report, hearing, audit, or investigation, or from the news media, the court may award sums as it considers appropriate, but in no case more than ten per cent of the proceeds, taking into account the significance of the information and the role of the person bringing the action in advancing the case to litigation. Any payment to a person under this subsection shall be made from the proceeds. The person shall also receive an amount for reasonable expenses that the court finds to have been necessarily incurred, plus reasonable attorneys' fees and costs. All expenses, fees, and costs shall be awarded against the defendant.</p> <p>(b) If the State proceeds with an action brought under <a href="#">section 661-21</a>, the State may file its own complaint or amend the complaint of a person who has brought an action under <a href="#">section 661-21</a> to clarify or add detail to the claims in which the State is intervening and to add any additional claims with respect to which the State contends it is entitled to relief. For statute of limitations purposes, any such state pleading shall relate back to the filing date of the complaint of the person who originally brought the action, to the extent that the claim of the State arises out of the conduct, transactions, or occurrences set forth, or attempted to be set forth, in the prior complaint of that person.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|                 | <p>(c) If the State does not proceed with an action under this section, the person bringing the action or settling the claim shall receive an amount that the court decides is reasonable for collecting the civil penalty and damages. The amount shall be not less than twenty-five per cent and not more than thirty per cent of the proceeds of the action or settlement and shall be paid out of the proceeds. The person shall also receive an amount for reasonable expenses that the court finds to have been necessarily incurred, plus reasonable attorneys' fees and costs. All expenses, fees, and costs shall be awarded against the defendant.</p> <p>(d) Whether or not the State proceeds with the action, if the court finds that the action was brought by a person who planned and initiated the violation of <a href="#">section 661-21</a> upon which the action was brought, then the court may, to the extent the court considers appropriate, reduce the share of the proceeds of the action that the person would otherwise receive under subsection (a), taking into account the role of that person in advancing the case to litigation and any relevant circumstances pertaining to the violation. If the person bringing the action is convicted of criminal conduct arising from the person's role in the violation of <a href="#">section 661-21</a>, that person shall be dismissed from the civil action and shall not receive any share of the proceeds of the action. The dismissal shall not prejudice the right of the State to continue the action.</p> <p>(e) If the State does not proceed with the action and the person bringing the action conducts the action, the court may award to the defendant its reasonable attorneys' fees and expenses if the defendant prevails in the action and the court finds that the claim of the person bringing the action was frivolous, vexatious, or brought primarily for purposes of harassment.</p> <p>(f) In no event may a person bring an action under <a href="#">section 661-25</a>:</p> <p>(1) Against a member of the state senate or state house of representatives, a member of the judiciary, or an elected official in the executive branch of the State, if the action is based on evidence or information known to the State. For purposes of this section, evidence or information known only to the person or persons against whom an action is brought shall not be considered to be known to the State; or</p> <p>(2) That is based upon allegations or transactions that are the subject of a civil suit or an administrative civil money penalty proceeding in which the State is already a party.</p> <p><b>Credits</b></p> <p><a href="#">Laws 2000, ch. 126, § 1; Laws 2012, ch. 294, § 7</a>, eff. July 9, 2012.</p> <p>HRS § 661-31 - <b>Certain actions barred.</b></p> <p><b>(a)</b> In no event may a person bring an action under this part that is based upon allegations or transactions which are the subject of a civil suit or an administrative civil money penalty proceeding in which the State is already a party.</p> <p><b>(b)</b> The court shall dismiss an action or claim under this part, unless opposed by the State, if the allegations or transactions alleged in the action or claim are substantially the same as those publicly disclosed:</p> <p><b>(1)</b> In a state criminal, civil, or administrative hearing in which the State or its agent is a party;</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|                 | <p>(2) In a state legislative or other state report, hearing, audit, or investigation; or</p> <p>(3) By the news media,<br/>unless the action is brought by the attorney general or the person bringing the action is an original source of the information.</p> <p>(c) For purposes of this section, "original source" means an individual who:</p> <p>(1) Prior to public disclosure under subsection (b), has voluntarily disclosed to the State the information on which the allegations or transactions in a claim are based; or</p> <p>(2) Has knowledge that is independent of and materially adds to the publicly disclosed allegations or transactions, and who has voluntarily provided the information to the State before filing an action under this part.</p> <p><b>HISTORY:</b> L 2012, c 294, § 5, effective July 9, 2012.</p> <p><b>HRS § 46-175. Action by private persons.</b><br/><a href="http://www.capitol.hawaii.gov/hrscurrent/Vol02_Ch0046-0115/HRS0046/HRS_0046-0175.htm">http://www.capitol.hawaii.gov/hrscurrent/Vol02_Ch0046-0115/HRS0046/HRS_0046-0175.htm</a></p> <p>(a) A person may bring a civil action for a violation of section 46-171 for the person and for a county. The action shall be brought in the name of the county. The action may be dismissed only with the written consent of the court, taking into account the best interests of the parties involved and the public purposes behind this part.</p> <p>(b) A copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the county in accordance with the Hawaii rules of civil procedure. The complaint:</p> <p>(1) Shall be filed in camera;</p> <p>(2) Shall remain under seal for at least sixty days; and</p> <p>(3) Shall not be served on the defendant until the court so orders.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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|                 | <p>The county may elect to intervene and proceed with the action within sixty days after it receives both the complaint and the material evidence and information.</p> <p><b>(c)</b> The county, for good cause shown, may move the court for extensions of the time during which the complaint remains under seal under subsection (b). Any such motions may be supported by affidavits or other submissions in camera. The defendant shall not be required to respond to any complaint filed under this section until twenty days after the complaint is unsealed and served upon the defendant in accordance with the Hawaii rules of civil procedure.</p> <p><b>(d)</b> Before the expiration of the sixty-day period or any extension obtained, the county shall:</p> <p><b>(1)</b> Proceed with the action, in which case the action shall be conducted by the county and the seal shall be lifted; or</p> <p><b>(2)</b> Notify the court that it declines to take over the action, in which case the person bringing the action shall have the right to conduct the action and the seal shall be lifted.</p> <p><b>(e)</b> When a person brings an action under this section, no person other than the county may intervene or bring a related action based on the facts underlying the pending action.</p> <p><b>HISTORY:</b> <a href="#">L 2001, c 227</a>, § 1</p> <p>HRS § 46-176</p> <p><b>[§ 46-176]. Rights of parties to qui tam actions</b></p> <p><a href="https://www.capitol.hawaii.gov/hrscurrent/Vol02_Ch0046-0115/HRS0046/HRS_0046-0176.htm">https://www.capitol.hawaii.gov/hrscurrent/Vol02_Ch0046-0115/HRS0046/HRS_0046-0176.htm</a></p> <p>Currentness</p> <p>(a) If a county proceeds with an action under section 46-175, the county shall have the primary responsibility for prosecuting the action and shall not be bound by an act of the person bringing the action. The person shall have the right to continue as a party to the action, subject to the following limitations:</p> <p>(1) The county may dismiss the action notwithstanding the objections of the person initiating the action if the court determines, after a hearing on the motion, that dismissal should be allowed;</p> <p>(2) The county may settle the action with the defendant notwithstanding the objections of the person initiating the action if the court determines, after a hearing, that the proposed settlement is fair, adequate, and reasonable. Upon a showing of good cause, the hearing may be held in camera;</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|                 | <p>(3) The court, upon a showing by the county that unrestricted participation during the course of the litigation by the person initiating the action would interfere with or unduly delay the county's prosecution of the case, or would be repetitious, irrelevant, or for purposes of harassment, may, in its discretion, impose limitations on the person's participation by:</p> <p>(A) Limiting the number of witnesses the person may call;</p> <p>(B) Limiting the length of the testimony of the witnesses;</p> <p>(C) Limiting the person's cross-examination of witnesses; or</p> <p>(D) Otherwise limiting the participation by the person in the litigation.</p> <p>(b) The defendant, by motion upon the court, may show that unrestricted participation during the course of the litigation by the person initiating the action would be for purposes of harassment or would cause the defendant undue burden or unnecessary expense. At the court's discretion, the court may limit the participation by the person in the litigation.</p> <p>(c) If the county elects not to proceed with the action, the person who initiated that action shall have the right to conduct the action. If the county so requests, it shall be served with copies of all pleadings filed in the action and shall be supplied with copies of all deposition transcripts at the county's expense. When a person proceeds with the action, the court, without limiting the status and rights of the person initiating the action, may nevertheless permit the county to intervene at a later date upon showing of good cause.</p> <p>(d) Regardless of whether the county proceeds with the action, upon motion and a showing by the county that certain actions of discovery by the person initiating the action would interfere with the county's investigation or prosecution of a criminal or civil matter arising out of the same facts, the court may stay the discovery for a period of not more than sixty days. The court may extend the sixty-day period upon a motion and showing by the county that the county has pursued the investigation or prosecution of the criminal or civil matter with reasonable diligence and the proposed discovery would interfere with the ongoing investigation or prosecution of the criminal or civil matter.</p> <p>(e) Notwithstanding section 46-175, the county may elect to pursue its claim through any alternate remedy available to the county, including any administrative proceedings to determine civil monetary penalties. If any alternate remedy is pursued in another proceeding, the person initiating the action shall have the same rights in the proceedings as the person would have had if the action had continued under this section. Any finding of fact or conclusion of law made in the other proceeding that becomes final shall be conclusive on all parties to an action under this section.</p> <p>(f) Regardless of whether the county elects to proceed with the action, the parties to the action shall receive court approval of any settlements reached.</p> <p>Credits</p> <p>Laws 2001, ch. 227, § 1.</p> <p><b>§ 46-177. Awards to qui tam plaintiffs.</b></p> <p><a href="http://www.capitol.hawaii.gov/hrscurrent/Vol02_Ch0046-0115/HRS0046/HRS_0046-0177.htm">http://www.capitol.hawaii.gov/hrscurrent/Vol02_Ch0046-0115/HRS0046/HRS_0046-0177.htm</a></p> <p>(a) If a county proceeds with an action brought by a person under section 46-175, the person shall receive at least fifteen per cent but not more than twenty-five per cent of the proceeds of the action or settlement of the claim, depending upon the extent to which the person substantially contributed to the</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                 | <p>prosecution of the action. Where the action is one that the court finds to be based primarily on disclosures of specific information, other than information provided by the person bringing the action, relating to allegations or transactions in a criminal, civil, or administrative hearing, in a legislative or administrative report, hearing, audit, or investigation, or from the news media, the court may award sums as it considers appropriate, but in no case more than ten per cent of the proceeds, taking into account the significance of the information and the role of the person bringing the action in advancing the case to litigation. Any payment to a person under this subsection shall be made from the proceeds. The person shall also receive an amount for reasonable expenses that the court finds to have been necessarily incurred, plus reasonable attorneys' fees and costs. All expenses, fees, and costs shall be awarded against the defendant.</p> <p><b>(b)</b> If a county proceeds with an action brought under section 46-171, the county may file its own complaint or amend the complaint of a person who has brought an action under section 46-171 to clarify or add detail to the claims in which the county is intervening and to add any additional claims with respect to which the county contends it is entitled to relief. For statute of limitations purposes, any such pleading shall relate back to the filing date of the complaint of the person who originally brought the action, to the extent that the claim of the county arises out of the conduct, transactions, or occurrences set forth, or attempted to be set forth, in the prior complaint of that person.</p> <p><b>(c)</b> If the county does not proceed with an action under this section, the person bringing the action or settling the claim shall receive an amount that the court decides is reasonable for collecting the civil penalty and damages. The amount shall be not less than twenty-five per cent and not more than thirty per cent of the proceeds of the action or settlement and shall be paid out of the proceeds. The person shall also receive an amount for reasonable expenses that the court finds to have been necessarily incurred, plus reasonable attorneys' fees and costs. All expenses, fees, and costs shall be awarded against the defendant.</p> <p><b>(d)</b> Regardless of whether the county proceeds with the action, if the court finds that the action was brought by a person who planned and initiated the violation of section 46-171 upon which the action was brought, then the court, to the extent the court considers appropriate, may reduce the share of the proceeds of the action that the person would otherwise receive under subsection (a), taking into account the role of that person in advancing the case to litigation and any relevant circumstances pertaining to the violation. If the person bringing the action is convicted of criminal conduct arising from the person's role in the violation of section 46-171, that person shall be dismissed from the civil action and shall not receive any share of the proceeds of the action. The dismissal shall not prejudice the right of the county to continue the action.</p> <p><b>(e)</b> If the county does not proceed with the action and the person bringing the action conducts the action, the court may award to the defendant its reasonable attorneys' fees and expenses if the defendant prevails in the action and the court finds that the claim of the person bringing the action was frivolous, vexatious, or brought primarily for purposes of harassment.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|                 | <p data-bbox="446 215 1306 248"><b>(f)</b> In no event may a person bring an action under section 46-175:</p> <p data-bbox="446 293 2467 363"><b>(1)</b> Against any elected official of the county, if the action is based on evidence or information known to the county. For purposes of this section, evidence or information known only to the person or persons against whom an action is brought shall not be considered to be known to the county; or</p> <p data-bbox="446 409 2481 479"><b>(2)</b> That is based upon allegations or transactions that are the subject of a civil suit or an administrative civil money penalty proceeding in which the county is already a party.</p> <p data-bbox="446 524 1387 557"><b>HISTORY:</b> <a href="#">L 2001, c 227</a>, § 1; am <a href="#">L 2012, c 294</a>, § 3, effective July 9, 2012.</p> <p data-bbox="446 602 1680 672"><b>HRS § 46-181 - Certain actions barred.</b><br/><a href="http://www.capitol.hawaii.gov/hrscurrent/Vol02_Ch0046-0115/HRS0046/HRS_0046-0181.htm">http://www.capitol.hawaii.gov/hrscurrent/Vol02_Ch0046-0115/HRS0046/HRS_0046-0181.htm</a></p> <p data-bbox="446 717 2360 787"><b>(a)</b> In no event may a person bring an action under this part that is based upon allegations or transactions which are the subject of a civil suit or an administrative civil money penalty proceeding in which a county is already a party.</p> <p data-bbox="446 833 2462 902"><b>(b)</b> The court shall dismiss an action or claim under this part, unless opposed by a county, if the allegations or transactions alleged in the action or claim are substantially the same as those publicly disclosed:</p> <p data-bbox="467 948 1602 980"><b>(1)</b> In a criminal, civil, or administrative hearing in which a county or its agent is a party;</p> <p data-bbox="467 1026 1510 1058"><b>(2)</b> In a county council or other county report, hearing, audit, or investigation; or</p> <p data-bbox="467 1104 763 1136"><b>(3)</b> By the news media,</p> <p data-bbox="467 1182 2085 1214">unless the action is brought by the county attorney or the person bringing the action is an original source of the information.</p> <p data-bbox="446 1260 1413 1292"><b>(c)</b> For purposes of this section, "original source" means an individual who:</p> <p data-bbox="446 1338 2462 1408"><b>(1)</b> Prior to public disclosure under subsection (b), has voluntarily disclosed to a county the information on which the allegations or transactions in a claim are based; or</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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|                 | <p>(2) Has knowledge that is independent of and materially adds to the publicly disclosed allegations or transactions, and who has voluntarily provided the information to a county before filing an action under this part.</p> <p><b>HISTORY:</b> <a href="#">L 2012, c 294</a>, § 1, effective July 9, 2012.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|                 | <p><b>Whistle-blower Protections</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|                 | <p>HRS § 661-30 - <b>Relief from retaliatory actions.</b></p> <p><a href="http://www.capitol.hawaii.gov/hrscurrent/Vol13_Ch0601-0676/HRS0661/HRS_0661-0030.htm">http://www.capitol.hawaii.gov/hrscurrent/Vol13_Ch0601-0676/HRS0661/HRS_0661-0030.htm</a></p> <p>(a) Notwithstanding any law to the contrary, any employee, contractor, or agent shall be entitled to all relief necessary to make that employee, contractor, or agent whole, if that employee, contractor, or agent is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment, contract, or agency relationship because of lawful acts done by the employee, contractor, agent, or associated others in furtherance of an action under section 661-25 or other efforts to stop or address any conduct described in section 661-21(a).</p> <p>(b) Relief under subsection (a) shall include reinstatement with the same seniority status that the employee, contractor, or agent would have had but for the discrimination, two times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney's fees. An action for relief from retaliatory actions under subsection (a) may be brought in the appropriate court of this State for the relief provided in this part.</p> <p>(c) An action for relief from retaliatory actions under subsection (a) shall be brought within three years of the retaliatory conduct upon which the action is based.</p> <p><b>HISTORY:</b> <a href="#">L 2012, c 294</a>, § 5, effective July 9, 2012.</p> <p>HRS § 46-180 - <b>Relief from retaliatory actions</b></p> <p><a href="https://www.capitol.hawaii.gov/hrscurrent/vol02_ch0046-0115/HRS0046/HRS_0046-0180.htm">https://www.capitol.hawaii.gov/hrscurrent/vol02_ch0046-0115/HRS0046/HRS_0046-0180.htm</a></p> <p>(a) Notwithstanding any law to the contrary, any employee, contractor, or agent shall be entitled to all relief necessary to make that employee, contractor, or agent whole, if that employee, contractor, or agent is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|                 | <p>against in the terms and conditions of employment, contract, or agency relationship because of lawful acts done by the employee, contractor, agent, or associated others in furtherance of an action under section 46-175 or other efforts to stop or address any conduct described in section 46-171(a).</p> <p><b>(b)</b> Relief under subsection (a) shall include reinstatement with the same seniority status that the employee, contractor, or agent would have had but for the discrimination, two times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney's fees. An action for relief from retaliatory actions under subsection (a) may be brought in the appropriate court of this State for the relief provided in this part.</p> <p><b>(c)</b> An action for relief from retaliatory actions under subsection (a) shall be brought within three years of the retaliatory conduct upon which the action is based.</p> <p><b>HISTORY:</b> <a href="#">L 2012, c 294</a>, § 1, effective July 9, 2012.</p> <p>HRS § 378-61 et seq<br/><b>Whistleblower Protection Act</b><br/><a href="http://www.capitol.hawaii.gov/hrscurrent/Vol07_Ch0346-0398/HRS0378/HRS_0378-0061.htm">http://www.capitol.hawaii.gov/hrscurrent/Vol07_Ch0346-0398/HRS0378/HRS_0378-0061.htm</a></p> <p>As used in this part:</p> <p>"Employee" means a person who performs a service for wages or other remuneration under a contract for hire, written or oral, express or implied. Employee includes a person employed by the State or a political subdivision of the State.</p> <p>"Employer" means a person who has one or more employees. Employer includes an agent of an employer or of the State or a political subdivision of the State.</p> <p>"Person" means an individual, sole proprietorship, partnership, corporation, association, or any other legal entity.</p> <p>"Public body" means:</p> <p><b>(1)</b> A state officer, employee, agency, department, division, bureau, board, commission, committee, council, authority, or other body in the executive branch of state government;</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|                 | <p>(2) An agency, board, commission, committee, council, member, or employee of the legislative branch of the state government;</p> <p>(3) A county, city, intercounty, intercity, or regional governing body, a council, special district, or municipal corporation, or a board, department, commission, committee, council, agency, or any member or employee thereof;</p> <p>(4) Any other body which is created by state or local authority or which is primarily funded by or through state or local authority, or any member or employee of that body;</p> <p>(5) A law enforcement agency or any member or employee of a law enforcement agency; or</p> <p>(6) The judiciary and any member or employee of the judiciary.</p> <p>"Public employee" means any employee of the State or any county, or the political subdivision and agencies of the State or any county, any employee under contract with the State or any county, any civil service employee, any probationary or provisional employee of the State or county, and any employee of any general contractor or subcontractor undertaking the execution of a contract with a governmental contracting agency, as defined in section 104-1.</p> <p>"Public employer" means the State and any county, the political subdivisions and agencies of the State and any county, and any general contractor or subcontractor undertaking the execution of a contract with a governmental contracting agency, as defined in section 104-1, and includes any agent thereof.</p> <p><b>HISTORY:</b> L 1987, c 267, pt of § 1; am <a href="#">L 2011, c 166</a>, § 5, effective June 27, 2011.</p> <p><b>HRS § 378-62. Discharge of, threats to, or discrimination against employee for reporting violations of law.</b><br/><a href="http://www.capitol.hawaii.gov/hrscurrent/Vol07_Ch0346-0398/HRS0378/HRS_0378-0062.htm">http://www.capitol.hawaii.gov/hrscurrent/Vol07_Ch0346-0398/HRS0378/HRS_0378-0062.htm</a></p> <p>An employer shall not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because:</p> <p>(1) The employee, or a person acting on behalf of the employee, reports or is about to report to the employer, or reports or is about to report to a public body, verbally or in writing, a violation or a suspected violation of:</p> |

| State /Citation                                                                                                                                                                                                                                                 | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|                                                                                                                                                                                                                                                                 | <p>(A) A law, rule, ordinance, or regulation, adopted pursuant to law of this State, a political subdivision of this State, or the United States; or</p> <p>(B) A contract executed by the State, a political subdivision of the State, or the United States,</p> <p>unless the employee knows that the report is false; or</p> <p>(2) An employee is requested by a public body to participate in an investigation, hearing, or inquiry held by that public body, or a court action.</p> <p><b>HISTORY:</b> L 1987, c 267, pt of § 1; am <a href="#">L 2002, c 56</a>, § 2.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <u>Idaho</u><br>IDAPA 16.05.07.000 et seq.<br><br>I.C. § 54-1301 - I.C. § 54-1308<br><br><b>Idaho Code § 56-209h</b><br><br>Idaho Code § 56-227<br><br>I.C. § 41-293<br><br>Idaho Code § 56-227A<br><br>Idaho Code § 56-227B<br><br>Idaho Code § 18-2401 - 2421 | <p><b>Criminal and Civil Penalties for False Claims and Statements</b></p> <p>Idaho Other Helpful Information About Medicaid Fraud &amp; Reporting Fraud<br/><a href="http://healthandwelfare.idaho.gov/AboutUs/Fraud-ReportPublicAssistanceFraud/tabid/136/Default.aspx">http://healthandwelfare.idaho.gov/AboutUs/Fraud-ReportPublicAssistanceFraud/tabid/136/Default.aspx</a><br/><a href="https://www.aq.idaho.gov/office-resources/medicaid-fraud/">https://www.aq.idaho.gov/office-resources/medicaid-fraud/</a></p> <p>2025 Idaho Laws Ch. 101 (H.B. 59)<br/><b>MEDICAL ETHICS DEFENSE ACT</b><br/>&lt;&lt; ID ST § 54–1301 &gt;&gt;<br/><b>§ 54–1301. Short title</b><br/>This act shall be known and may be cited as the “Medical Ethics Defense Act.”</p> <p>&lt;&lt; ID ST § 54–1302 &gt;&gt;<br/><b>§ 54–1302. Legislative findings and purpose</b><br/>(1) The legislature finds that the right of conscience is a fundamental and inalienable right. It was central to the founding of the United States, has been deeply rooted in the nation's history and tradition for centuries, and has been central to the practice of medicine, through the Hippocratic oath, for millennia.<br/>(2) Despite its preeminent importance, however, threats to the right of conscience of health care professionals, health care institutions, and health care payers have become increasingly common and severe in recent years. The swift pace of scientific advancement and the expansion of medical capabilities, along with the creation of new rights for patients to access certain procedures and the mistaken notion that health care professionals, health care institutions, and health care payers are mere public utilities, promise to make the current crisis worse, unless something is done to secure the right of conscience.</p> |

| State /Citation              | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| Idaho Code § 6 - 2101 - 2109 | <p>(3) With this purpose in mind, the legislature declares that it is the public policy of the state of Idaho to protect the right of conscience for health care professionals, health care institutions, and health care payers.</p> <p>(4) As the right of conscience is fundamental, no health care professional, health care institution, or health care payer should be required to participate in or pay for any medical procedure, treatment, or service, or prescribe or pay for any medication, to which he objects on the basis of conscience, whether such conscience is informed by religious, moral, or ethical beliefs or principles.</p> <p>(5) It is the purpose of this chapter to protect health care professionals, health care institutions, and health care payers from discrimination, punishment, and retaliation as a result of any instance of conscientious medical objection.</p> <p>&lt;&lt; ID ST § 54–1303 &gt;&gt;</p> <p><b>§ 54–1303. Definitions</b></p> <p>For the purpose of this chapter:</p> <p>(1) “Conscience” means the ethical, moral, or religious beliefs or principles sincerely held by any health care provider. Conscience with respect to institutional entities or corporate bodies, as opposed to individual persons, is determined by reference to that entity's or body's governing documents, including but not limited to any published ethical, moral, or religious guidelines or directives, mission statements, constitutions, articles of incorporation, bylaws, policies, or regulations.</p> <p>(2) “Discrimination” or “discriminated against” means any adverse action taken against, or any threat of adverse action communicated to, any health care provider as a result of exercising rights pursuant to sections 54–1304 and 54–1305, Idaho Code. Discrimination includes but is not limited to any penalty or disciplinary or retaliatory action, whether executed or threatened. Discrimination does not include the negotiation or purchase of, or the refusal to use or purchase, insurance or medical procedures, treatments, or services by an individual or nongovernmental entity, nor does it include good faith efforts to reasonably accommodate conscientious objections of a health care provider.</p> <p>(3) “Essential functions” means the fundamental job duties of an employment position. A function can be essential if, among other things, the position exists specifically to perform that function, there are a limited number of other employees who could perform the function, or the function is specialized and the individual is hired based on his ability to perform the function. The term does not include the marginal functions of a position.</p> <p>(4) “Health care institution” means any organization, corporation, partnership, association, agency, network, sole proprietorship, joint venture, or other entity that provides medical procedures, treatments, or services.</p> <p>(5) “Health care payer” means any employer, health plan, health maintenance organization, insurance company, or management services organization or any other entity that pays for any medical procedure, treatment, or service provided to any patient or client, including to contract for, arrange for payment of, reimburse, or remunerate, whether payment is made in whole or in part.</p> <p>(6) “Health care professional” means any person who is authorized to participate in any way in any medical procedure, treatment, or service. This includes but is not limited to:</p> <p>(a) Doctors;</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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|                 | <p>(b) Nurses;</p> <p>(c) Clinical nurse specialists;</p> <p>(d) Nurse aides;</p> <p>(e) Physician assistants;</p> <p>(f) Medical assistants;</p> <p>(g) Allied health professionals;</p> <p>(h) Employees of a hospital, clinic, nursing home, or pharmacy;</p> <p>(i) Pharmacists and pharmacy technicians;</p> <p>(j) Faculty and students of a medical school, nursing school, or school of psychology or counseling;</p> <p>(k) Medical researchers and laboratory technicians;</p> <p>(l) Psychologists, psychiatrists, and counselors; and</p> <p>(m) Social workers.</p> <p>(7) “Health care provider” means a health care professional, health care institution, or health care payer.</p> <p>(8) “Medical procedure, treatment, or service” means medical research or health care provided to any patient or client at any time over the course of treatment. This includes but is not limited to testing, diagnosis, record-making, referral, prescribing, dispensing, or administering any drug, medication, or device, therapy or counseling, and preparation or arrangement for a surgical procedure.</p> <p>(9) “Participate” means to provide, perform, assist with, facilitate, refer for, counsel for, advise to pursue, admit for the purposes of providing, or take part in any way in providing any medical procedure, treatment, or service.</p> <p>&lt;&lt; ID ST § 54–1304 &gt;&gt;</p> <p><b>§ 54–1304. Right of conscience of health care providers</b></p> <p>(1) Health care providers shall have the right of conscience and, pursuant to this right, shall not be required to participate in or pay for a medical procedure, treatment, or service that violates such health care provider's conscience.</p> <p>(2) The exercise of the right of conscience is limited to conscience-based objections to a particular medical procedure, treatment, or service. This section may not be construed to waive or modify any duty a health care provider may have to provide or pay for medical procedures, treatments, or services that do not violate the provider's conscience.</p> <p>(3) A health care professional shall communicate to the health care professional's employer a conscience-based objection when it occurs or as soon as reasonably possible to allow an employer to make necessary staffing adjustments without delaying the provision of health care services. Nothing in this chapter shall prevent an employer from requiring an employee to disclose the employee's conscience-based objections at the time of hiring, but such disclosure shall not limit the rights protected by this chapter.</p> <p>(4) Conscience-based objections shall be provided in writing by an employee if requested by the employer.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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|                 | <p>(5) A health care payer shall not decline payment for a medical procedure, treatment, or service that it is contractually obligated to pay for under the terms of its contract with an insured party.</p> <p>(6) No health care provider shall be discriminated against in any manner as a result of exercising the right of conscience pursuant to subsection (1) of this section.</p> <p>(7) No health care provider shall be civilly, criminally, or administratively liable for exercising the right of conscience described in subsection (1) of this section, and no health care institution shall be civilly, criminally, or administratively liable for the exercise of the right of conscience described in subsection (1) of this section by a health care professional employed, contracted, or granted admitting privileges by the health care institution.</p> <p>(8) Nothing in this chapter shall be construed to impede the right of a religious health care provider to make employment, staffing, contracting, administrative, and admitting privilege decisions consistent with such health care provider's religious beliefs if such health care provider holds itself out to the public as religious and has internal operating policies or procedures that implement its religious purpose or mission.</p> <p>(9) To the extent that this chapter provides broader rights of conscience than that provided by section 18–611, Idaho Code, this chapter controls over section 18–611, Idaho Code. To the extent that this chapter is not enforceable with respect to any rights of conscience protected by section 18–611, Idaho Code, then section 18–611, Idaho Code, shall control.</p> <p>(10) Nothing in this chapter shall affect the rights of conscience provided for in section 18–612, Idaho Code, to the extent that those rights are broader in scope than those provided for in this chapter.</p> <p>(11) Nothing in this chapter shall be construed to override the requirement to provide emergency medical treatment to all patients as set forth in 42 U.S.C. 1395dd.</p> <p>(12) The protections in this chapter shall not apply if an employee is unable to perform any essential function, the employer cannot transfer the employee to a suitable alternative position for which the employee is qualified, and the employer is otherwise unable to reasonably accommodate the employee without imposing an undue hardship on the employer.</p> <p>(13) Nothing in this chapter shall be construed as providing a health care provider with civil immunity for the failure to comply with the applicable community standard of care as described in section 6–1012, Idaho Code.</p> <p>&lt;&lt; ID ST § 54–1306 &gt;&gt;</p> <p><b>§ 54–1306. Free speech protection for health care providers</b></p> <p>(1) The department of health and welfare, the state board of medicine, or any other department or board regulating the practice of a medical procedure, treatment, or service in the state may not reprimand or sanction a health care provider or deny or revoke or threaten to deny or revoke a license, certification, or registration of a health care provider for engaging in speech, expression, or association that is protected from government interference by the first amendment to the United States constitution, unless the department or board demonstrates by clear and convincing evidence that the health care provider's speech, expression, or association was the direct cause of physical harm to a person with whom the health care provider had a practitioner-patient relationship within the three (3) years immediately preceding the incident of physical harm.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|                 | <p>(2) The department of health and welfare, the state board of medicine, or any other department or board regulating the practice of a medical procedure, treatment, or service in the state shall not contract with, nor shall it recognize, approve, or require an individual to obtain certifications or credentials issued or approved by, a specialty board or other recognizing agency that revokes the certification of, or refuses to issue certification to, an individual because the individual has engaged in speech, expression, or association that is protected from government interference by the first amendment to the United States constitution, provided such individual was not providing medical advice or treatment to a specific patient.</p> <p>(3) The department of health and welfare, the state board of medicine, or any other department or board regulating the practice of a medical procedure, treatment, or service in the state shall provide a health care provider with any complaints it has received that are based on speech, expression, or association that is protected from government interference by the first amendment to the United States constitution and may result in the revocation of the health care provider's license, certification, or registration, within twenty-one (21) days after receipt of the complaint. The department or board shall pay the health care provider an administrative penalty of five hundred dollars (\$500) for each day the complaint is not provided to the health care provider after the specified twenty-one (21) days.</p> <p>&lt;&lt; ID ST § 54–1308 &gt;&gt;</p> <p><b>§ 54–1308. Severability</b></p> <p>The provisions of this chapter are hereby declared to be severable and if any provision of this chapter or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this chapter.</p> <p>SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.</p> <p>Approved March 19, 2025.</p> <p>Effective: March 19, 2025.</p> <p>Idaho Code § 18-2401 – 2421</p> <p><a href="https://legislature.idaho.gov/statutesrules/idstat/Title18/T18CH24/">https://legislature.idaho.gov/statutesrules/idstat/Title18/T18CH24/</a></p> <p><b>Idaho Code § 56-209h - Administrative remedies</b></p> <p>(1) Definitions. For purposes of this section:</p> <p>(a) “Abuse” or “abusive” means provider practices that are inconsistent with sound fiscal, business, child care or medical practices, and result in an unnecessary cost to a public assistance program, in reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards for health care, or in physical harm, pain or mental anguish to a public assistance recipient.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|                 | <p>(b) “Claim” means any request or demand for payment, or document submitted to initiate payment, for items or services provided under a public assistance program, whether under a contract or otherwise.</p> <p>(c) “Fraud” or “fraudulent” means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or some other person.</p> <p>(d) “Intentional program violation” means intentionally false or misleading action, omission or statement made in order to qualify as a provider or recipient in a public assistance program.</p> <p>(e) “Knowingly,” “known” or “with knowledge” means that a person, with respect to information or an action:</p> <p>(i) Has actual knowledge of the information or action; or</p> <p>(ii) Acts in deliberate ignorance of the truth or falsity of the information or the correctness or incorrectness of the action; or</p> <p>(iii) Acts in reckless disregard of the truth or falsity of the information or the correctness or incorrectness of the action.</p> <p>(f) “Managing employee” means a general manager, business manager, administrator, director or other individual who exercises operational or managerial control over, or who directly or indirectly conducts the day-to-day operation of, an institution, organization or agency.</p> <p>(g) “Medicaid fraud control unit” means that medicaid fraud control unit as provided for in <a href="#">section 56-226, Idaho Code</a>.</p> <p>(h) “Ownership or control interest” means a person or entity that:</p> <p>(i) Has an ownership interest totaling twenty-five percent (25%) or more in an entity; or</p> <p>(ii) Is an officer or director of an entity that is organized as a corporation; or</p> <p>(iii) Is a partner in an entity that is organized as a partnership; or</p> <p>(iv) Is a managing member in an entity that is organized as a limited liability company.</p> <p>(i) “Provider” means an individual, organization, agency or other entity providing items or services under a public assistance program.</p> <p>(j) “Public assistance program” means assistance for which provision is made in any federal or state law existing or hereafter enacted by the state of Idaho or the congress of the United States by which payments are made from the federal government to the state in aid, or in respect to payment by the state for welfare purposes to any category of needy person, and any other program of assistance for which provision for federal or state funds for aid may from time to time be made.</p> <p>(2) The department shall establish and operate an administrative fraud control program to enforce violations of the provisions of this chapter and of the state plan pursuant to subchapters XIX<sup>1</sup> and XXI<sup>2</sup>, chapter 7, title 42, U.S.C., that are outside the scope of the duties of the medicaid fraud control unit and to render and receive referrals from and to said unit.</p> <p>(3) Review of documentation of services. All claims submitted by providers for payment are subject to prepayment and postpayment review as designated by rule. Except as otherwise provided by rule, providers shall generate documentation at the time of service sufficient to support each claim, and shall retain the documentation for a minimum of five (5) years from the date the item or service was provided. The department or authorized agent shall be given immediate access to such documentation upon written request.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|                 | <p>(4) Immediate action. In the event that the department identifies a suspected case of fraud or abuse and the department has reason to believe that payments made during the investigation may be difficult or impractical to recover, the department may suspend or withhold payments to the provider pending investigation. In the event that the department identifies a suspected case of fraud or abuse and it determines that it is necessary to prevent or avoid immediate danger to the public health or safety, the department may summarily suspend a provider agreement pending investigation. When payments have been suspended or withheld or a provider agreement suspended pending investigation, the department shall provide for a hearing within thirty (30) days of receipt of any duly filed notice of appeal.</p> <p>(5) Recovery of payments. Upon referral of a matter from the medicaid fraud control unit, or if it is determined by the department that any condition of payment contained in rule, regulation, statute, or provider agreement was not met, the department may initiate administrative proceedings to recover any payments made for items or services under any public assistance contract or provider agreement the individual or entity has with the department. Interest shall accrue on overpayments at the statutory rate set forth in <a href="#">section 28-22-104, Idaho Code</a>, from the date of final determination of the amount owed for items or services until the date of recovery.</p> <p>(6) Provider status. The department may terminate the provider agreement or otherwise deny provider status to any individual or entity who:</p> <ul style="list-style-type: none"><li>(a) Submits a claim with knowledge that the claim is incorrect, including reporting costs as allowable which were known to be disallowed in a previous audit, unless the provider clearly indicates that the item is being claimed to establish the basis for an appeal and each disputed item and amount is specifically identified; or</li><li>(b) Submits a fraudulent claim; or</li><li>(c) Knowingly makes a false statement or representation of material fact in any document required to be maintained or submitted to the department; or</li><li>(d) Submits a claim for an item or service known to be medically unnecessary; or</li><li>(e) Fails to provide, upon written request by the department, immediate access to documentation required to be maintained; or</li><li>(f) Fails repeatedly or substantially to comply with the rules and regulations governing medical assistance payments or other public assistance program payments; or</li><li>(g) Knowingly violates any material term or condition of its provider agreement; or</li><li>(h) Has failed to repay, or was a “managing employee” or had an “ownership or control interest” in any entity that has failed to repay, any overpayments or claims previously found to have been obtained contrary to statute, rule, regulation or provider agreement; or</li><li>(i) Has been found, or was a “managing employee” in any entity that has been found, to have engaged in fraudulent conduct or abusive conduct in connection with the delivery of health care or public assistance items or services; or</li><li>(j) Fails to meet the qualifications specifically required by rule or by any applicable licensing board.</li></ul> <p>Any individual or entity denied provider status under this section may be precluded from participating as a provider in any public assistance program for up to five (5) years from the date the department's action becomes final.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|                 | <p>(7) The department must refer all cases of suspected medicaid provider fraud to the medicaid fraud control unit and shall promptly comply with any request from the medicaid fraud control unit for access to and free copies of any records or information kept by the department or its contractors, computerized data stored by the department or its contractors, and any information kept by providers to which the department is authorized access by law.</p> <p>(8) Civil monetary penalties. The department may also assess civil monetary penalties against a provider and any officer, director, owner, and/or managing employee of a provider in the circumstances listed in paragraphs (a) and (b) of this subsection. The penalties provided for in this subsection are intended to be remedial, recovering, at a minimum, costs of investigation and administrative review, and placing the costs associated with noncompliance on the offending provider. The department shall promulgate rules clarifying the methodology used when computing and assessing a civil monetary penalty.</p> <p>(a) For conduct identified in subsection (6)(a) through (i) of this section, the amount of the penalties shall be up to one thousand dollars (\$1,000) for each item or service improperly claimed, except that in the case of multiple penalties the department may reduce the penalties to not less than ten percent (10%) of the amount of each item or service improperly claimed if an amount can be readily determined. Each line item of a claim, or cost on a cost report is considered a separate claim.</p> <p>(b) For failing to perform required background checks or failing to meet required timelines for completion of background checks, the amount of the penalty shall be five hundred dollars (\$500) for each month worked for each staff person for whom the background check was not performed or not timely performed up to a maximum of five thousand dollars (\$5,000) per month. A partial month is considered a full month for purposes of determining the amount of the penalty.</p> <p>(9) Exclusion. Any individual or entity convicted of a criminal offense related to the delivery of an item or service under any state or federal program shall be excluded from program participation as a medicaid provider for a period of not less than ten (10) years. Unless otherwise provided in this section or required by federal law, the department may exclude any individual or entity for a period of not less than one (1) year for any conduct for which the secretary of the department of health and human services or designee could exclude an individual or entity.</p> <p>(10) Sanction of individuals or entities. The department may sanction individuals or entities by barring them from public assistance programs for intentional program violations where the federal law allows sanctioning individuals from receiving assistance. Individuals or entities who are determined to have committed an intentional program violation will be sanctioned from receiving public assistance for a period of twelve (12) months for the first violation, twenty-four (24) months for the second violation and permanently for the third violation.</p> <p>(11) Individuals or entities subject to administrative remedies as described in subsections (4) through (10) of this section shall be provided the opportunity to appeal pursuant to chapter 52, title 67, Idaho Code, and the department's rules for contested cases.</p> <p>(12) Adoption of rules. The department shall promulgate such rules as are necessary to carry out the policies and purposes of this section.</p> <p><b>Credits</b></p> <p><a href="#"><u>S.L. 1998, ch. 311, § 2; S.L. 2007, ch. 341, § 2, eff. July 1, 2007; S.L. 2008, ch. 187, § 1, eff. July 1, 2008.</u></a> Amended by <a href="#"><u>S.L. 2016, ch. 106, § 1, eff. July 1, 2016.</u></a></p> <p>THE INVESTIGATION AND ENFORCEMENT OF FRAUD, ABUSE, AND MISCONDUCT</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|                 | <p><a href="https://adminrules.idaho.gov/rules/current/16/160507.pdf">https://adminrules.idaho.gov/rules/current/16/160507.pdf</a></p> <p>IDAPA 16.05.07.000<br/>LEGAL AUTHORITY.<br/>Sections 56-202(b), 56-203(1), 56-203(2), 56-209, 56-209h, 56-227, 56-227A through D, <a href="#">56-1001</a>, and <a href="#">56-1003, Idaho Code</a>, authorize the Director to adopt rules regarding fraud, abuse, and misconduct of public assistance programs. (3-17-22)</p> <p>IDAPA 16.05.07.235 - CIVIL MONETARY PENALTIES.<br/>Under <a href="#">Section 56-209h, Idaho Code</a>, the Department may assess civil monetary penalties against a provider, any officer, director, owner, and managing employee for conduct identified in <a href="#">Idaho Code 56-209h(6)(a) through (i)</a>. (3-17-22)</p> <p><b>IDAPA 16.05.07.240</b><br/><b>240. MANDATORY EXCLUSIONS FROM THE MEDICAID PROGRAM.</b><br/><a href="#">Currentness</a><br/>The Department will exclude from the Medicaid program any provider, entity, or person that: (3-17-22)<br/><b>01. Conviction of a Criminal Offense.</b> Has been convicted of a criminal offense related to the delivery of an item or service under a federal or any state health care program, including the performance of management or administrative services relating to the delivery of items or services under any such program. (3-17-22)<br/><b>02. Conviction of a Criminal Offense Related to Patient Neglect or Abuse.</b> Has been convicted, under federal or state law, of a criminal offense related to the neglect or abuse of a patient, in connection with the delivery of a health care item or service, including any offense that the Department concludes entailed, or resulted in, neglect or abuse of patients. The conviction need not relate to a patient who is a program beneficiary. (3-17-22)<br/><b>03. Other Exclusions.</b> Is identified by the Centers for Medicare and Medicaid Services (CMS) as having been excluded by another state, the Office of Inspector General or any person CMS directs the Department to exclude. (3-17-22)</p> <p><b>IDAPA 16.05.07.250</b><br/><b>250. PERMISSIVE EXCLUSIONS FROM THE MEDICAID PROGRAM.</b><br/><a href="#">Currentness</a><br/>The Department may exclude any person or entity from the Medicaid program for a period of not less than one (1) year: (3-17-22)<br/><b>01. Endangerment of Health or Safety of a Patient.</b> Where there has been a finding by a governmental agency against such person or entity of endangering the health or safety of a patient, or of patient abuse, neglect, or exploitation. (3-17-22)</p> |

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|                 | <p><b>02. Failure to Disclose or Make Available Records. That has failed or refused to disclose, make available, or provide immediate access to the Department, or any licensing board, any records maintained by the provider or required of the provider to be maintained, which the Department deems relevant to determining the appropriateness of payment. (3-17-22)</b></p> <p><b>03. Other Exclusions. For any reason for which the Secretary of Health and Human Services, or their designee, could exclude an individual or entity. (3-17-22)</b></p> <p><b>Idaho Code § 56-227 - Fraudulent acts -- Penalty</b></p> <p>(1) Whoever knowingly obtains, or attempts to obtain, or aids or abets any person in obtaining, by means of a willfully false statement or representation, material omission, or fraudulent devices, public assistance to which he is not entitled, or in an amount greater than that to which he is justly entitled, shall be punished in the same manner and to the same extent as for larceny or theft of the money or value of the public assistance so obtained or attempted to be so obtained.</p> <p>(2) Whoever sells, conveys, mortgages or otherwise disposes of his property, real or personal, or conceals his income or resources, for the purpose of rendering him eligible for public assistance, theretofore or thereafter applied for, to which he would not otherwise be entitled, shall be punished in the same manner and to the same extent as for larceny or theft of the money or value of the public assistance so obtained or so attempted to be obtained. Provided however, this provision shall not be construed to be more restrictive than federal or state provisions regarding the transfer of property for public assistance.</p> <p>(3) Every person who knowingly aids or abets any person in selling, conveying, mortgaging or otherwise disposing of his property, real or personal, or in concealing his income or resources for the purpose of rendering him eligible for public assistance, theretofore or thereafter applied for and received, to which he would not otherwise be entitled, shall be punished in the same manner and to the same extent as for larceny or theft of the money or value of the public assistance so obtained or attempted to be obtained. Provided however, this provision shall not apply to any person who communicates information or renders advice to another regarding federal or state provisions regarding the transfer of property for public assistance.</p> <p>(4) For the purpose of this section, public assistance shall include the specific categories of assistance for which provision is made in any federal or state law existing or hereafter enacted by the congress of the United States or the state of Idaho by which payments are made from the federal government to the state in aid or in respect to payment by the state for welfare purposes to any category of needy person and any other program of assistance for which provision for federal or state funds for aid may from time to time be made.</p> <p>(5) The state department of health and welfare shall establish and operate a fraud control program to investigate suspected fraud relating to applications for public assistance benefits and public assistance benefits received by individuals or entities. Such activities shall be those that do not fall under the authority of the medicaid fraud control unit as provided in section 56-226, Idaho Code. The department shall establish a procedure to coordinate information with prosecuting attorneys to prosecute offenders who commit fraudulent acts pursuant to this chapter.</p> <p>(6) The state tax commission and the state department of health and welfare may enter into a written agreement for exchange of an individual's state income tax return records and information for the purposes of investigating suspected fraud relating to applications for public assistance benefits and public</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                 | <p>assistance benefits received by individuals or entities. Such information shall be confidential to the recipient and may be used by the state department of health and welfare only for purposes of determining whether any individual or entity has committed a violation of this section. No information shared with the state department of health and welfare pursuant to this section shall be made public unless it is used in the course of a judicial proceeding arising under the laws of this state. Any information disclosed pursuant to this section must be disclosed in compliance with the provisions of 5 U.S.C. 552a and any other applicable federal or state laws or regulations regarding public assistance programs.</p> <p>Credits<br/>S.L. 1941, ch. 181, § 24-c; S.L. 1943, ch. 119, § 2; S.L. 1974, ch. 233, § 9; S.L. 1981, ch. 194, § 1; S.L. 1988, ch. 246, § 1; S.L. 2002, ch. 369, § 2; S.L. 2007, ch. 341, § 5, eff. July 1, 2007; S.L. 2008, ch. 188, § 1, eff. July 1, 2008. Amended by S.L. 2013, ch. 143, § 1, eff. July 1, 2013; S.L. 2025, ch. 61, § 1, eff. July 1, 2025.</p> <p><b>Idaho Code § 56-227A. Provider fraud – Criminal penalty</b></p> <p>It shall be unlawful for any provider or person, knowingly, with intent to defraud another, by means of a false statement or representation or by deliberate concealment of any material fact, or any other fraudulent scheme or device, to:</p> <p>(a) Present or cause to be presented for allowance or payment any false or fraudulent claim for furnishing services or supplies;</p> <p>(b) Attempt to obtain or to obtain authorization for furnishing services or supplies; or</p> <p>(c) Attempt to obtain or to obtain compensation from public funds greater than that to which he is legally entitled for services or supplies furnished or purportedly furnished.</p> <p>Any provider or person who violates the provisions of this section shall be guilty of a felony and shall be subject to a term of imprisonment not to exceed fifteen (15) years, or a fine not to exceed fifteen thousand dollars (\$15,000), or both, and shall be ordered to make restitution to the department or any other person for any financial loss sustained as a result of a violation of this section. Each instance of violation shall be considered a separate offense, and nothing in this section shall prohibit or preclude a provider or person from being prosecuted under any other provision of the criminal code.</p> <p><b>Credits</b><br/>S.L. 1977, ch. 226, § 2. Amended by <a href="#">S.L. 2024, ch. 228, § 2, eff. July 1, 2024</a>.</p> <p><b>Idaho Code § 56-227B. Provider fraud -- Damages</b></p> <p>Any provider who knowingly with intent to defraud by means of false statement or representation, obtains compensation from public funds greater than that to which he is legally entitled for services or supplies furnished or purportedly furnished shall be liable for civil damages equal to three (3) times the amount by which any figure is falsely overstated. The director of the department of health and welfare or the attorney general shall have the right to cause legal action to be taken for the recovery of such damages when persuaded that a reimbursement claim for payment is falsely overstated. The burden of proof for such recovery action shall be that which is used in other civil actions for the recovery of damages. The remedy provided by this section shall be in addition to any other remedy provided by law.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                 | <p>If any provider of services or supplies is required to refund or repay all or part of any payment received by said provider under the provisions of this section, said refund or repayment shall bear interest from the date payment was made to such provider to the date of said refund or repayment. Interest shall accrue at the rate of ten percent (10%) per annum. The prevailing party in an action, under this section shall be awarded costs and reasonable attorney's fees incurred in bringing or defending the action. Notwithstanding any other provision of the Idaho Code, all costs and attorney's fees awarded to the department of health and welfare or the attorney general pursuant to this section shall be deposited into the state general fund.</p> <p><b>Credits</b><br/>S.L. 1977, ch. 226, § 3; <a href="#">S.L. 2007, ch. 341, § 6, eff. July 1, 2007.</a></p> <p>PENAL CODE<br/>TITLE 18. CRIMES AND PUNISHMENTS<br/>CHAPTER 24. THEFT<br/>Idaho Code § 18-2401 - 2421<br/><a href="https://legislature.idaho.gov/statutesrules/idstat/Title18/T18CH24/">https://legislature.idaho.gov/statutesrules/idstat/Title18/T18CH24/</a></p> <p>I.C. § 41-293<br/><b>§ 41-293. Insurance fraud</b><br/><a href="#">Currentness</a><br/>Insurance fraud includes:<br/>(1)(a) Any person who, with the intent to defraud or deceive an insurer for the purpose of obtaining any money or benefit, presents or causes to be presented to any insurer, producer, practitioner or other person, any statement as part of, or in support of, a claim for payment or other benefit, knowing that such statement contains false, incomplete, or misleading information concerning any fact or thing material to such claim; or<br/>(b) Any person who, with intent to defraud or deceive an insurer assists, abets, solicits, or conspires with another to prepare or make any statement that is intended to be presented to any insurer, producer, practitioner or other person, in connection with, or in support of, any claim for payment or other benefit, knowing that such statement contains false, incomplete, or misleading information concerning any fact or thing material to such claim;<br/>(c) Any person who, with intent to defraud or deceive, presents or causes to be presented to or by an insurer, a producer, practitioner or other person, a false or altered statement material to an insurance transaction;<br/>(d) Any insurance producer or other person who, with intent to defraud or deceive, willfully takes premium money knowing that insurance coverage will not be effected;<br/>(e) Any practitioner or other person who willfully submits a false or altered statement, with the intent of deceiving an insurer or other person in connection with an insurance transaction or claim;</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|                 | <p>(f) Anyone willfully making a false statement or material misrepresentation to an insurer, employer, practitioner or other person, with the intent to defraud or deceive an insurer or other person, to obtain or extend worker's compensation benefits;</p> <p>(g) Anyone who offers or accepts a direct or indirect inducement to file or solicits another person to file a false statement, with intent to defraud or deceive an insurer;</p> <p>(h) Any person who, with intent to defraud or deceive, transacts insurance of any kind or character, or transmits for a person other than himself an application for a policy of insurance, without proper licensing or after such license has been suspended or revoked;</p> <p>(i) Any practitioner or any other person who, with intent to defraud or deceive, employs, uses or acts as a runner for the purpose of submitting a claim containing false, incomplete, or misleading information concerning any fact or thing material to such claim;</p> <p>(j) Any employer or other person who, with intent to defraud or deceive, presents or causes to be presented to an insurer, producer or any other person or governmental agency any statement containing the number of employees, amount of payroll, job description or job title or any other statement material to worker's compensation insurance which contains false, misleading or incomplete information; or</p> <p>(k) Any person who, with intent to defraud or deceive, obstructs the director in the conduct of any authorized examination.</p> <p>(2) A fact, statement or representation is “material” if it includes any of the following:</p> <p>(a) Any fact which, if communicated to the producer, insurer, adjuster or representative thereof, would induce him to either decline insurance altogether or not accept it unless a higher premium is paid by the insured;</p> <p>(b) Any fact relating to a claim for insurance benefits which, if disclosed, would be a fair reason for rejecting a claim for insurance benefits;</p> <p>(c) Any fact, the knowledge or ignorance of which would naturally influence the insurer in making or refusing the contract, in estimating the degree or character of the risk, or in fixing the rate of premium;</p> <p>(d) Any fact, the knowledge or ignorance of which would naturally influence the insurer in accepting or rejecting a claim for insurance benefits or compensation, or in determining the amount of compensation or insurance benefits to be paid to the insured; or</p> <p>(e) Any fact that necessarily has some bearing on the subject matter of the insurance coverage or claim for benefits under an insurance contract.</p> <p>(3) Any offense committed by use of a telephone, any means of electronic communication or mail as provided by this chapter may be deemed to have been committed at the place from which the telephone call or electronic communication was made, or mail was sent, or the offense may be deemed to have been committed at the place at which the telephone call, electronic communication or mail was received.</p> <p>(4) Any violator of this section is guilty of a felony and shall be subject to a term of imprisonment not to exceed fifteen (15) years, or a fine not to exceed fifteen thousand dollars (\$15,000), or both and shall be ordered to make restitution to the insurer or any other person for any financial loss sustained as a result of a violation of this section. Each instance of violation may be considered a separate offense.</p> <p><b>Credits</b></p> <p>S.L. 1981, ch. 23, § 3; <a href="#">S.L. 1994, ch. 219, § 5</a>; <a href="#">S.L. 1997, ch. 122, § 2</a>; <a href="#">S.L. 2007, ch. 239, § 2, eff. July 1, 2007</a>.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|                 | <div data-bbox="430 207 2510 256"><b>Qui Tam Actions &amp; Remedies</b></div> <div data-bbox="430 256 2510 841">&lt;&lt; ID ST § 54–1307 &gt;&gt;<br/><b>§ 54–1307. Civil remedies</b><br/>(1) A cause of action for damages or injunctive relief, or both, may be brought by any health care provider for any violation of any provision of this chapter. Any additional burden or expense on another health care professional, health care institution, or health care payer arising from the exercise of the right of conscience shall not be a defense to any violation of this chapter. However, no cause of action may be brought against an individual who declines to use or purchase a medical procedure or services from a specific health care professional, health care institution, or health care payer for exercising the rights granted in sections 54–1304(1), 54–1305, and 54–1306, Idaho Code.<br/>(2) Any party aggrieved by any violation of this chapter may commence a civil action and shall be entitled, upon the finding of a violation, to:<br/>(a) Injunctive relief, when appropriate, including but not limited to reinstatement of a health care professional's previous position, reinstatement of board certification, and relicensure of a health care institution or health care payer;<br/>(b) Actual damages for injuries suffered; and<br/>(c) Reasonable costs and attorney's fees.<br/>(3) Such damages shall be cumulative and in no way limited by any other remedies that may be available under any other federal, state, or municipal law.</div> <div data-bbox="430 841 2510 889"><b>Whistle-blower Protections</b></div> <div data-bbox="430 889 2510 1393">&lt;&lt; ID ST § 54–1305 &gt;&gt;<br/><b>§ 54–1305. Whistleblower protection</b><br/>(1) No health care provider shall be discriminated against in any manner because the health care provider:<br/>(a) Provided, caused to be provided, or is about to provide or cause to be provided information relating to any act or omission the health care provider reasonably believes to be a violation of any provision of this chapter to a health care professional's employer, the attorney general of Idaho, any state agency charged with protecting health care rights of conscience, the United States department of health and human services office of civil rights, or any other federal agency charged with protecting health care rights of conscience; or<br/>(b) Testified, assisted, or participated, or is about to testify, assist, or participate in a proceeding concerning such violation.<br/>(2) Unless the disclosure is specifically prohibited by law, no health care provider shall be discriminated against in any manner because the health care provider disclosed any information that the health care provider reasonably believes evinces:<br/>(a) Any violation of any law, rule, or regulation;<br/>(b) Any violation of any ethical guidelines for the provision of any medical procedure or service; or</div> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|                 | <p>(c) Gross mismanagement, a gross waste of funds, an abuse of authority, practices, or methods of treatment that may put patient health at risk, or a substantial and specific danger to public health or safety.</p> <p>(3) Subsection (2) of this section shall not apply when the disclosure concerns the lawful exercise of discretionary decision-making authority unless the health care provider reasonably believes that the disclosure evinces a violation or misconduct listed in subsection (2) of this section.</p> <p>This act is known as the "<b>Idaho Protection of Public Employees Act.</b>"</p> <p>Idaho Code § 6-2102 <i>et seq</i></p> <p><a href="https://legislature.idaho.gov/statutesrules/idstat/Title6/T6CH21/">https://legislature.idaho.gov/statutesrules/idstat/Title6/T6CH21/</a></p> <p>Idaho Code § 6-2101. Legislative intent</p> <p>The legislature hereby finds, determines and declares that government constitutes a large proportion of the Idaho work force and that it is beneficial to the citizens of this state to protect the integrity of government by providing a legal cause of action for public employees who experience adverse action from their employer as a result of reporting waste and violations of a law, rule or regulation.</p> <p><b>HISTORY:</b> <u><a href="#">I.C., § 6-2101</a></u>, as added by <u><a href="#">1994, ch. 100, § 1</a></u>, p. 226.</p> <p><b>Idaho Code § 6-2103 - § 6-2103. Definitions</b></p> <p>As used in this chapter:</p> <p>(1) "Adverse action" means to discharge, threaten or otherwise discriminate against an employee in any manner that affects the employee's employment, including compensation, terms, conditions, location, rights, immunities, promotions or privileges.</p> <p>(2) "Communicate" means a verbal or written report.</p> <p>(3) "Employee" means a person who performs a service for wages or other remuneration.</p> <p>(4) (a) "Employer" means the state of Idaho, or any political subdivision or governmental entity eligible to participate in the public employees retirement system, chapter 13, title 59, Idaho Code;</p> <p>(b) "Employer" includes an agent of an employer.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|                 | <p>(5) "Public body" means any of the following:</p> <p>(a) A state officer, employee, agency, department, division, bureau, board, commission, council, authority, educational institution or any other body in the executive branch of state government;</p> <p>(b) An agency, board, commission, council, institution member or employee of the legislative branch of state government;</p> <p>(c) A county, city, town, regional governing body, council, school district, special district, municipal corporation, other political subdivision, board, department, commission, council, agency or any member or employee of them;</p> <p>(d) Any other body that is created by state or local authority, or any member or employee of that body;</p> <p>(e) A law enforcement agency or any member or employee of a law enforcement agency; and</p> <p>(f) The judiciary and any member or employee of the judiciary.</p> <p><b>HISTORY:</b> <a href="#">I.C., § 6-2103</a>, as added by <a href="#">1994, ch. 100, § 1</a>, p. 226.</p> <p>Idaho Code § 6-2104</p> <p><b><i>§ 6-2104. Reporting of governmental waste or violation of law -- Employer action</i></b></p> <hr/> <p>I.C. § 6-2104</p> <p><b>§ 6-2104. Reporting of governmental waste or violation of law--Employer action</b></p> <p>(1)(a) An employer may not take adverse action against an employee because the employee, or a person authorized to act on behalf of the employee, communicates in good faith the existence of any waste of public funds, property or manpower, or a violation or suspected violation of a law, rule or regulation adopted under the law of this state, a political subdivision of this state or the United States. Such communication shall be made at a time and in a manner that gives the employer reasonable opportunity to correct the waste or violation.</p> <p>(b) For purposes of paragraph (a) of this subsection, an employee communicates in good faith if there is a reasonable basis in fact for the communication. Good faith is lacking where the employee knew or reasonably ought to have known that the report is malicious, false or frivolous.</p> |

| State /Citation                                                                                                                                                                                                 | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|                                                                                                                                                                                                                 | <p>(2)(a) An employer may not take adverse action against an employee because an employee in good faith participates or communicates information in good faith in an investigation, hearing, court proceeding, legislative or other inquiry, or other form of administrative review concerning the existence of any waste of public funds, property, or manpower, or a violation or suspected violation of a law, rule, or regulation adopted under the law of this state, a political subdivision of this state, or the United States.</p> <p>(b) For purposes of paragraph (a) of this subsection, an employee participates or gives information in good faith if there is a reasonable basis in fact for the participation or the provision of the information. Good faith is lacking where the employee knew or reasonably ought to have known that the employee's participation or the information provided by the employee is malicious, false or frivolous.</p> <p>(3) An employer may not take adverse action against an employee because the employee has objected to or refused to carry out a directive that the employee reasonably believes violates a law or a rule or regulation adopted under the authority of the laws of this state, political subdivision of this state or the United States.</p> <p>(4) An employer may not implement rules or policies that unreasonably restrict an employee's ability to document the existence of any waste of public funds, property or manpower, or a violation or suspected violation of any laws, rules or regulations.</p> <p><b>Credits</b></p> <p><u><a href="#">S.L. 1994, ch. 100, § 1.</a></u> Amended by <u><a href="#">S.L. 2017, ch. 272, § 1, eff. July 1, 2017;</a></u> <u><a href="#">S.L. 2020, ch. 295, § 1, eff. July 1, 2020.</a></u></p> |
| <p><u><a href="#">Louisiana/</a></u></p> <p>La. R.S. 14:70.1</p> <p>La. R.S. 22:1923</p> <p>La. R.S. 46:437.1 <i>et seq</i></p> <p>La. R.S. 46:438.3 <i>et seq.</i></p> <p>La. R.S. 46:439.1 <i>et seq.</i></p> | <p><b>Criminal and Civil Penalties for False Claims and Statements</b></p> <p>Other Helpful Information About Medicaid Fraud &amp; Reporting Fraud<br/> <a href="http://ldh.la.gov/index.cfm/page/219">http://ldh.la.gov/index.cfm/page/219</a><br/> <a href="https://www.lamedicaid.com/provweb1/about_medicaid/fraud.htm">https://www.lamedicaid.com/provweb1/about_medicaid/fraud.htm</a><br/> <a href="https://ldh.la.gov/assets/medicaid/StatePlan/Sec4/Attachment4.42A.pdf">https://ldh.la.gov/assets/medicaid/StatePlan/Sec4/Attachment4.42A.pdf</a><br/> <a href="https://www.lamedicaid.com/Provweb1/about_medicaid/fraud.htm">https://www.lamedicaid.com/Provweb1/about_medicaid/fraud.htm</a></p> <p>La. R.S. 14:70.1 -. Medicaid fraud</p> <p><b>LSA-R.S. 14:70.1</b><br/> <b>§ 70.1. Medicaid fraud</b><br/> <a href="https://www.legis.la.gov/legis/Law.aspx?d=78639">https://www.legis.la.gov/legis/Law.aspx?d=78639</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

| State /Citation   | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| La. R.S. 46:440.3 | <p><u><a href="#">Currentness</a></u></p> <p>A. The crime of Medicaid fraud is the act of any person who, with intent to defraud the state or any person or entity through any medical assistance program created under the federal Social Security Act and administered by the Louisiana Department of Health or any other state agency, does any of the following:</p> <p>(1) Presents for allowance or payment any false or fraudulent claim for furnishing services or merchandise.</p> <p>(2) Knowingly submits false information for the purpose of obtaining greater compensation than that to which he is legally entitled for furnishing services or merchandise.</p> <p>(3) Knowingly submits false information for the purpose of obtaining authorization for furnishing services or merchandise.</p> <p>B. Whoever commits the crime of Medicaid fraud shall be imprisoned, with or without hard labor, for not more than five years, or may be fined not more than twenty thousand dollars, or both.</p> <p>C. In addition to the venue established by <u><a href="#">Code of Criminal Procedure Articles 611</a></u> and <u><a href="#">614</a></u>, venue shall also be appropriate in the Nineteenth Judicial District Court, parish of East Baton Rouge.</p> <p><b>Credits</b></p> <p><b>Added by Acts 1979, No. 301, § 1. Amended by <u><a href="#">Acts 1989, No. 300, § 1, eff. July 1, 1989</a></u>; <u><a href="#">Acts 1997, No. 1018, § 1</a></u>; <u><a href="#">Acts 2001, No. 403, § 1, eff. June 15, 2001</a></u>; <u><a href="#">Acts 2015, No. 138, § 1, eff. June 19, 2015</a></u>.</b></p> <p>TITLE 22. INSURANCE<br/>CHAPTER 7. FRAUD AND UNFAIR TRADE PRACTICES<br/>PART 2. INSURANCE FRAUD<br/><u><a href="https://www.legis.la.gov/legis/Law.aspx?d=509061">https://www.legis.la.gov/legis/Law.aspx?d=509061</a></u></p> <p>La. R.S. 22:1923 - Definitions<br/>LSA-R.S. 22:1923<br/>Formerly cited as LA R.S. 22:1242<br/>§ 1923. Definitions<br/>Currentness<br/>As used in this Part, the following terms have the meanings indicated in this Section:</p> <p>(1) “Claim” shall mean any request or demand for payment or benefit, whether paid or not, made by a person either in writing or filed electronically.</p> <p>(2) “Fraudulent insurance act” includes but is not limited to acts or omissions committed by any person who, knowingly and with intent to defraud, does any of the following:</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|                 | <p>(a) Presents, causes to be presented, or prepares with knowledge or belief that it will be presented to or by an insurer, reinsurer, purported insurer or reinsurer, producer, or any agent thereof, any oral or written statement which he knows to contain materially false information as part of, or in support of, or denial of, or concerning any fact material to or conceals any information concerning any fact material to the following:</p> <ul style="list-style-type: none"><li>(i) An application for the issuance of any insurance policy.</li><li>(ii) The rating of any insurance policy.</li><li>(iii) A claim for payment or benefit pursuant to any insurance policy.</li><li>(iv) Premiums paid on any insurance policy.</li><li>(v) Payments made in accordance with the terms of any insurance policy.</li><li>(vi) An application for certificate of authority or the application for a certificate of authority by a health insurer that has ceased writing health and accident insurance in the state within the prior five years.</li><li>(vii) The financial condition of any insurer, reinsurer, purported insurer or reinsurer.</li><li>(viii) The acquisition of any insurer or reinsurer.</li></ul> <p>(b) Solicits or accepts new or renewal insurance risks by or for an insolvent insurer, reinsurer, or other entity regulated under the insurance laws of this state.</p> <p>(c) Removes or attempts to remove the assets or record of assets, transactions, and affairs of such material part thereof, from the home office or other place of business of the insurer, reinsurer, or other entity regulated under the insurance laws of this state, or from the place of safekeeping of the insurer, reinsurer, or other entity regulated under the laws of this state, or who conceals or attempts to conceal the same from the department.</p> <p>(d) Diverts, attempts to divert, or conspires to divert funds of an insurer, reinsurer, or other entity regulated under the laws of this state, or other persons in connection with:</p> <ul style="list-style-type: none"><li>(i) The transaction of insurance or reinsurance.</li><li>(ii) The conduct of business activities by an insurer, reinsurer, or other entity regulated by the insurance laws of this state.</li><li>(iii) The formation, acquisition, or dissolution of an insurer, reinsurer, or other entity regulated under the insurance laws of this state.</li></ul> <p>(e) Supplies false or fraudulent material information pertaining to any document or statement required by the Department of Insurance.</p> <p>(f) Commits any fraudulent viatical settlement act, as defined by R.S. 22:1791.</p> <p>(g) Solicits or accepts new or renewal insurance risks by or for an unauthorized insurer, except as provided by Subpart O of Part I of Chapter 2 of this Title, R.S. 22:431 et seq., and Part III of this Chapter, R.S. 22:1941 et seq.</p> <p>(h) Manufactures, sells, distributes, presents, or causes to be presented a fraudulent proof of insurance card or document.</p> <p>(i) Alters a legitimate proof of insurance card or document.</p> <p>(j) Presents, causes to be presented, or prepares with the knowledge or belief that it will be presented to a self-insured governmental entity any oral or written statement which he knows to contain materially false information as part of, in support of, denial of, or concerning any fact material to or conceals any information concerning any fact material to any claim for payment under such self-insured governmental entity's loss fund or risk pool. For the purposes</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|                 | <p>of this Subparagraph, “self-insured governmental entity” shall mean any agency of the state, political subdivision of the state, or agency thereof, or consortium of governmental entities that maintains a self-insured loss fund or risk pool.</p> <p>(k) Impersonates an insurance company, or a representative of an insurance company, without the authorization or consent of the insurance company for the purpose of executing a scheme or artifice to defraud a person.</p> <p>(l) Impersonates another person or entity, whether real or fictitious, and purports himself to have the authority to direct healthcare treatment for the purpose of executing a scheme or artifice to defraud a person.</p> <p>(m) Receives money or any other thing of value from any person, firm, or entity as a means of compensation for the acts of solicitation or criminal conspiracy done for the purpose of executing a scheme or artifice to defraud a person.</p> <p>(n) Presents, causes to be presented, or prepares with knowledge or belief that it will be presented to the Property Insurance Association of Louisiana, any written statement which he knows to contain materially false information in connection with the grading by the Property Insurance Association of Louisiana of a municipality or fire district.</p> <p>(o) Acts in violation of any of the following provisions of law related to public adjusters and public adjusting:</p> <p>(i) R.S. 22:1693(B).</p> <p>(ii) R.S. 22:1703.</p> <p>(iii) R.S. 22:1704.</p> <p>(iv) R.S. 22:1705.</p> <p>(v) R.S. 22:1706.</p> <p>(p) Presents to an insurer or insured a statement, estimate, invoice, bid, proposal, proof of loss, or any other document that misrepresents the scope of damages or costs of repairs associated with a property insurance claim.</p> <p>&lt;Text of subpar. (2)(q) effective July 1, 2026.&gt;</p> <p>(q) Amends or alters the original adjuster's or appraiser's repair estimate; amends or alters a revision to the original adjuster's or appraiser's repair estimate; or amends or alters a supplemental estimate without documentation in the claim file or other means of notification to the issuer of the estimate.</p> <p>(3) “Statement” includes but is not limited to any notice, statement, proof of loss, bill of lading, receipt for payment, invoice, account, estimate of property damages, bill for services, diagnosis, prescription, hospital or doctor records, test results, x-rays, or other evidence of loss, injury, or expense.</p> <p>Credits</p> <p>Renumbered from R.S. 22:1242 by Acts 2008, No. 415, § 1, eff. Jan. 1, 2009. Added by Acts 1992, No. 707, § 2. Amended by Acts 1993, No. 663, § 2, eff. June 16, 1993; Acts 2004, No. 498, § 1; Acts 2008, No. 15, § 1; Acts 2011, No. 8, § 1, eff. June 7, 2011; Acts 2012, No. 271, § 1; Acts 2012, No. 862, § 1; Acts 2014, No. 116, § 1; Acts 2016, No. 4, § 1; Acts 2019, No. 83, § 1, eff. July 1, 2019; Acts 2024, No. 389, § 1; Acts 2025, No. 406, § 1, eff. July 1, 2026.</p> <p><b>ACT NO. 236</b></p> <p><b>H.B. No. 791 (Substitute for House Bill No. 304 by Representative Braud)</b></p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|                 | <p><b>SLEDGE JEANSONNE LOUISIANA INSURANCE FRAUD PREVENTION ACT</b><br/>BY REPRESENTATIVE BRAUD<br/>AN ACT to repeal R.S. 22:1931.13, relative to the Sledge Jeansonne Louisiana Insurance Fraud Prevention Act; to repeal the termination provision of the Act; and to provide for an effective date.<br/>Be it enacted by the Legislature of Louisiana:<br/>&lt;&lt; Repealed: LA R.S. 22:1931.13 &gt;&gt;<br/>Section 1. R.S. 22:1931.13 is hereby repealed in its entirety.<br/>Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.<br/>Approved May 23, 2024.</p> <p><a href="https://www.legis.la.gov/legis/Law.aspx?d=509068">https://www.legis.la.gov/legis/Law.aspx?d=509068</a><br/>LOUISIANA REVISED STATUTES<br/>TITLE 22. INSURANCE<br/>CHAPTER 7. FRAUD AND UNFAIR TRADE PRACTICES<br/>PART 2-A. SLEDGE JEANSONNE LOUISIANA INSURANCE FRAUD PREVENTION ACT<br/><b>La. R.S. 22:1931 - Legislative findings; short title</b><br/>A. The legislature finds that to protect the health, safety, and welfare of the citizens of this state, the attorney general of Louisiana and his assistants shall be agents of this state with the ability, authority, and resources to pursue civil monetary penalties, liquidated damages, or other remedies to protect the integrity of the insurance industry from persons who engage in fraud, misrepresentation, abuse, or other illegal practices, as further provided in this Part, in order to obtain payments to which these insurance providers or persons are not entitled.<br/><br/>B. On June 7, 2011, Kim Sledge and Rhett Jeansonne were murdered while performing their duties as insurance fraud investigators for the Louisiana Department of Insurance. The tragedy of their loss is profound to their families, coworkers, and the citizens of this state they honorably served.<br/><br/>C. This Part shall be known and may be cited as the "Sledge Jeansonne Louisiana Insurance Fraud Prevention Act".<br/><b>HISTORY:</b> Acts 2012, No. 862, § 1, eff. Aug. 1, 2012.</p> <p><b>La. R.S. 22:1931.1 - Definitions</b><br/>As used in this Part the following terms shall have the following meanings unless a different meaning is clearly required by context:</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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|                 | <p>(1) "Agent" means a person who is employed by or has a contractual relationship with another person or who acts on behalf of that person.</p> <p>(2) "Attorney general" means the attorney general for the state of Louisiana.</p> <p>(3) "Department" means the Department of Insurance.</p> <p>(4) "Insurer" means any person or other entity authorized to transact and transacting insurance business in this state. Notwithstanding any contrary provisions of <i>R.S. 22:242(7)</i> or any other law, regulation, or definition contained in this Code, a health maintenance organization shall be deemed an insurer for purposes of this Part.</p> <p>(5) "Knowing" or "knowingly" means that the person has actual knowledge of the falsity of the information or that the person acts in deliberate ignorance or reckless disregard of the truth or falsity of the information.</p> <p>(6) "Order" means a final order imposed pursuant to a civil or criminal adjudication.</p> <p>(7) "Person" means any natural or juridical entity or agent thereof as defined in federal or state law furnishing or claiming to furnish a good, service, or supply who is compensated with insurance proceeds.</p> <p>(8) "P.O.S.T.- certified" means peace officer standards and training certified as established by the Louisiana Peace Officer Standards and Training Council.</p> <p>(9) "Property" means any and all property, movable and immovable, corporeal and incorporeal.</p> <p>(10) "Recovery" means the recovery of attempted benefits pursued, overpayments, damages, fines, penalties, costs, expenses, restitution, attorney fees, interest, or settlement amounts.</p> <p><b>HISTORY:</b> Acts 2012, No. 862, § 1, eff. Aug. 1, 2012.</p> <p><b>La. R.S. 22:1931.2 - Prescription</b></p> <p>A. No action brought pursuant to this Part shall be instituted later than ten years after the date upon which the alleged violation occurred. For violations involving a scheme or course of conduct, no action pursuant to this Part shall be instituted more than ten years after the latest component of the scheme or course of conduct occurred.</p> <p>B. To the extent that the conduct giving rise to the cause of action involves the provision of services, supplies, merchandise, or benefits of a medical assistance program administered by the Department of Health and Hospitals, including any medical assistance programs administered by the state pursuant to 42 U.S.C. 1396 et seq., the provisions of this Part shall not apply.</p> |

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|                 | <p>C. An action by a prevailing defendant to recover costs, expenses, fees, and attorney fees pursuant to <i>R.S. 22:1931.3</i> may be brought no later than sixty days after the rendering of a final nonappealable judgment. In the instance of a state criminal action, the action for recovery of the civil monetary penalty shall be brought within one year of the date of the criminal conviction, final plea, or pre-trial diversion agreement.</p> <p>D. (1) In the case of a civil judgment rendered in federal court, the action for recovery of the civil monetary penalty pursuant to <i>R.S. 22:1931.6</i> may be brought after the judgment becomes enforceable and no later than one year after written notification to the attorney general of the enforceable judgment.</p> <p>(2) In the case of a criminal conviction, final plea, or pre-trial diversion agreement in federal court, the action for recovery pursuant to this Part may be brought after the conviction or plea is final and no later than one year after written notification to the attorney general of the rendering of the conviction or final plea.</p> <p>(3) Any action for recovery brought pursuant to the provisions of this Part shall be filed in the Nineteenth Judicial District Court for the parish of East Baton Rouge.</p> <p><b>HISTORY:</b> Acts 2012, No. 862, § 1, eff. Aug. 1, 2012.</p> <p><b><i>La. R.S. 22:1931.3</i> - Civil actions authorized</b></p> <p>A. No person shall knowingly commit any fraudulent insurance act as defined in <i>R.S. 22:1923</i> or violate any provision of <i>R.S. 22:1924</i>.</p> <p>B. The attorney general may institute a civil action in the Nineteenth Judicial District Court for the parish of East Baton Rouge to seek recovery from any person or persons who violate any provision of <i>R.S. 22:1924</i>. Each violation may be treated as a separate violation or may be combined into one violation at the option of the attorney general.</p> <p>C. An action by a prevailing defendant to recover costs, expenses, fees, and attorney fees shall be ancillary to and shall be brought and heard in the same court as the civil action brought pursuant to the provisions of Subsection B of this Section.</p> <p>D. A prevailing defendant may seek recovery only for costs, expenses, fees, and attorney fees if the court finds, following a contradictory hearing, that either of the following applies:</p> <p>(1) The action was instituted by the attorney general pursuant to Subsection A of this Section after it should have been determined by the attorney general to be frivolous, vexatious, or brought primarily for the purpose of harassment.</p> <p>(2) The attorney general proceeded with an action properly instituted pursuant to Subsection A of this Section after it should have been determined by the attorney general that proceeding would be frivolous, vexatious, or for the purpose of harassment.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|                 | <p>E. Any action brought pursuant to the provisions of this Part shall be filed in the Nineteenth Judicial District Court for the parish of East Baton Rouge.<br/><b>HISTORY:</b> Acts 2012, No. 862, § 1, eff. Aug. 1, 2012.</p> <p><b><i>La. R.S. 22:1931.4 - Burden of proof; prima facie evidence; standard of review</i></b></p> <p>A. The burden of proof in an action instituted pursuant to this Part shall be a preponderance of the evidence.</p> <p>B. Proof by a preponderance of the evidence of a violation of <i>R.S. 22:1924</i> shall be deemed to exist if the defendant has pled guilty or been convicted in any federal or state court when such charge arises out of circumstances which would be a violation of <i>R.S. 22:1924</i>.</p> <p>C. The submission of a certified or true copy of a conviction shall be prima facie evidence of the same. The submission of the bill of information or of the indictment and the minutes of the court shall be prima facie evidence as to the circumstances underlying a criminal conviction or final plea.<br/><b>HISTORY:</b> Acts 2012, No. 862, § 1, eff. Aug. 1, 2012.</p> <p><b><i>La. R.S. 22:1931.5 - Civil monetary penalty</i></b></p> <p>A. In a civil action instituted in the Nineteenth Judicial District Court for the parish of East Baton Rouge pursuant to the provisions of this Part, the attorney general may seek a civil monetary penalty provided in <i>R.S. 22:1931.6</i> from any of the following:</p> <p>(1) Any person determined by a court of competent jurisdiction to have violated any provision of <i>R.S. 22:1924</i>.</p> <p>(2) Any person who has violated a settlement agreement entered into pursuant to this Part.</p> <p>(3) A person who has been found liable in a civil action filed in federal court pursuant to <i>18 U.S.C. 1347</i> et seq., or <i>42 U.S.C. 1320a-7(a)</i> or (b), et seq., or <i>31 U.S.C. 3729</i>.</p> <p>(4) A person who has entered a plea of guilty or nolo contendere to or has participated in a pre-trial diversion program for, or has been convicted in federal or state courts of criminal conduct arising out of circumstances which would constitute a violation of <i>R.S. 22:1924</i>.<br/><b>HISTORY:</b> Acts 2012, No. 862, § 1, eff. Aug. 1, 2012.</p> <p><b><i>La. R.S. 22:1931.6 - Recovery</i></b></p> <p>A. (1) Actual damages incurred as a result of a violation of the provisions of this Part shall be recovered only once by the insurer and shall not be waived by the court.</p> |

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|                 | <p>(2) Except as provided in Paragraph (3) of this Subsection, actual damages shall equal the difference between the amount the insurer paid or would have paid and the amount that would have been due had not a violation of this Part occurred, plus interest at the maximum rate of judicial interest provided by <i>R.S. 13:4202</i>, from the date the damage occurred to the date of repayment. Actual damages shall include investigative expenses incurred by the insurer.</p> <p>(3) If the violator is a managed care healthcare provider contracted with a health insurer, actual damages shall be determined in accordance with the violator's provider agreement.</p> <p>B. Any person who is found to have violated <i>R.S. 22:1924</i> shall be subject to a civil fine in an amount not to exceed ten thousand dollars per violation.</p> <p>C. In addition to the actual damages provided in Subsection A of this Section and any civil fine imposed pursuant to Subsection B of this Section, a civil monetary penalty shall be imposed on the violator in an amount which equals three times the benefit pursued, including actual damages as a result of the violation.</p> <p>D. (1) Any person who is found to have violated this Part shall be liable for all costs, expenses, and fees related to investigations and proceedings associated with the violation, including attorney fees.</p> <p>(2) All awards of costs, expenses, fees, and attorney fees are subject to review by the appellate court for abuse of discretion.</p> <p>(3) The attorney general shall promptly remit awards recovered for those costs, expenses, and fees incurred by the parties involved in the investigations or proceedings to the appropriate party.</p> <p>E. (1) Payment of interest on the amount of the civil fine imposed pursuant to Subsection B of this Section shall be at the maximum rate of legal interest provided by <i>R.S. 13:4202</i> from the date the damage occurred to the date of repayment.</p> <p>(2) Prior to the imposition of a civil monetary penalty, the court may consider whether extenuating circumstances exist as provided in <i>R.S. 22:1931.7</i>.<br/><b>HISTORY:</b> Acts 2012, No. 862, § 1, eff. Aug. 1, 2012.</p> <p><b><i>La. R.S. 22:1931.7 - Waiver; extenuating circumstances</i></b></p> <p>If a waiver is requested by the attorney general, the court may waive any recovery, except for actual damages, required to be imposed pursuant to the provisions of this Part provided all of the following extenuating circumstances are found to be applicable:</p> <p>(1) The violator furnished all the information known to him about the specific allegation to the department or attorney general no later than thirty days after the violator first obtained the information.</p> <p>(2) The violator cooperated fully with all federal or state investigations concerning the specific allegation.</p> |

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|                 | <p>(3) At the time the violator furnished the information concerning the specific allegation to the department or the attorney general, no criminal, civil, or departmental investigation or proceeding had been commenced as to the alleged violation.<br/><b>HISTORY:</b> Acts 2012, No. 862, § 1, eff. Aug. 1, 2012.</p> <p><b><i>La. R.S. 22:1931.8 - Deposit of monies collected</i></b><br/>All monies collected pursuant to this Part shall be dedicated to and deposited into the Insurance Fraud Investigation Fund pursuant to <i>R.S. 40:1428(C)</i>. Forty percent of the monies deposited into the fund pursuant to this Part shall be allocated from the fund to the attorney general's office for purposes as provided by law.<br/><b>HISTORY:</b> Acts 2012, No. 862, § 1, eff. Aug. 1, 2012.</p> <p><b><i>La. R.S. 22:1931.9 - Assessment reduction or recalculation</i></b><br/>Except as provided in this Part, there shall be no reduction or recalculation in the Insurance Fraud Investigation Fund assessment allocation to the attorney general's office as provided in <i>R.S. 40:1428</i>.<br/><b>HISTORY:</b> Acts 2012, No. 862, § 1, eff. Aug. 1, 2012.</p> <p><b><i>La. R.S. 22:1931.10 - Civil investigative demand</i></b><br/>A. If the attorney general has information, evidence, or reason to believe that any person or entity may be in possession, custody, or control of any documentary material or information relevant to an investigation for a possible violation of this Part, he or any of his assistants may issue to the person or entity a civil investigative demand before the commencement of a civil proceeding to require the production of the documentary material for inspection or copying or reproduction, or the answering under oath and in writing of interrogatories. Any civil investigative demand issued pursuant to this Part shall state a general description of the subject matter being investigated and the applicable provisions of law constituting the alleged violation of this Part. A civil investigative demand for the production of documentary material shall describe each class of documentary material to be produced with such definiteness and certainty as to permit such material to be fairly identified. A civil investigative demand for answers to written interrogatories shall set forth with specificity the written interrogatories to be answered. Each investigative demand shall set a return date of no earlier than twenty days after service of the demand upon the person or his representative or agent.<br/><br/>B. A civil investigative demand issued pursuant to this Part may be served by the sheriff or a P.O.S. certified investigator employed by the attorney general or by the office of state police when the demand is issued to a resident or a domestic business entity found in this state. A civil investigative demand issued to a non-resident or a foreign business entity may be served using long-arm jurisdiction as provided for in the Code of Civil Procedure.</p> |

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|                 | <p>C. Upon failure to comply with the civil investigative demand, the attorney general may apply to the district court having jurisdiction over the person to compel compliance with the civil investigative demand.</p> <p>D. Except as otherwise provided in this Section, no documentary material, answers to interrogatories, or copies thereof, while in the possession of the attorney general or any other agency assisting the attorney general with the matter under investigation, shall be available for examination by any person or entity except as determined by the attorney general and subject to any conditions imposed by him for effective enforcement of the laws of this state. Nothing in this Section shall be construed to prohibit or limit the attorney general from sharing any documentary material, answers to interrogatories, or copies thereof with the United States government, any other state government, any federal or state agency, or any person or entity that may be assisting in the investigation or prosecution of the subject matter of the civil investigative demand.</p> <p>E. The attorney general may use documentary material derived from information obtained pursuant to this Section, or copies of that material, as the attorney general determines necessary for the enforcement of the laws of this state, including presentation before a court.</p> <p>F. If any documentary material has been produced by any person or entity in the course of any investigation pursuant to a civil investigative demand and any case or proceeding before the court or grand jury arising out of such investigation, or any proceeding before any state agency involving such material has been completed, or if no case or proceeding in which such material may be used has been commenced within a reasonable time after analysis of all documentary material and other information assembled in the course of the investigation, the attorney general, upon written request of the person or entity who produced the material, shall return to such person or entity any such material that has not passed into the control of any court, grand jury, or agency through introduction into the record of such case or proceeding.</p> <p>G. "Documentary material" as used in this Section shall include but is not limited to all electronically-stored information including writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations that would be subject to a request for production under <i>Federal Rule of Civil Procedure 34</i> as it exists now or is hereafter amended.</p> <p><b>HISTORY:</b> Acts 2012, No. 862, § 1, eff. Aug. 1, 2012.</p> <p><b>La. R.S. 22:1931.11 - Investigative deposition</b></p> <p>A. When the attorney general has information, evidence, or reason to believe that a violation of this Part has occurred, the attorney general may issue an investigative subpoena for deposition testimony to any person or entity that may have information or knowledge relevant to the matter under investigation, or for the purpose of revealing, identifying, or explaining documentary material or other physical evidence sought under <i>R.S. 22:1931.10</i>. The investigative subpoena shall contain a general description of the matter under investigation and a notice informing the prospective deponent of his right to counsel at the deposition with opportunity for cross-examination. The deposition shall be conducted at the principal place of business of the deponent, at his place of residence, at his domicile, or, if agreeable to the deponent, at some other place convenient to the attorney general and the lawful and designated attorney representative of the deponent. The deposition shall be held at a date no earlier than seven days after the date on which demand is received, unless the</p> |

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|                 | <p>attorney general or an assistant attorney general designated by the attorney general determines that exceptional circumstances are present which warrant the commencement of such testimony within a lesser period of time.</p> <p>B. An investigative subpoena issued pursuant to this Part may be served by the sheriff or a P.O.S. certified investigator employed by the attorney general or by the office of state police when the demand is issued to a resident or a domestic business entity of this state. An investigative subpoena issued to a non-resident or a foreign business entity may be served using long-arm jurisdiction as provided for in the Code of Civil Procedure.</p> <p>C. When the investigative subpoena is issued to a business entity, the entity shall designate one or more officers, directors, or managing agents, who are responsible for complying with the subpoena on the entity's behalf, and may set forth, for each person designated, the matters on which he will testify. The persons so designated shall testify as to matters known or reasonably available to the organization.</p> <p>D. Upon failure of a person or entity to comply with the investigative subpoena, the attorney general may apply to the district court having jurisdiction over the person to compel compliance with the investigative subpoena. Failure to comply with a court order is punishable by contempt.</p> <p><b>HISTORY:</b> Acts 2012, No. 862, § 1, eff. Aug. 1, 2012.</p> <p><b><i>La. R.S. 22:1931.12 - Asset forfeiture</i></b></p> <p>A. In accordance with the provisions of Subsection B of this Section, the court may order the forfeiture of property to satisfy recovery pursuant to this Part under either of the following circumstances:</p> <p>(1) The court may order a person from whom recovery is due to forfeit property which constitutes or was derived directly or indirectly from gross proceeds traceable to the violation which forms the basis for the recovery.</p> <p>(2) If the attorney general shows that property was transferred to a third party to avoid paying recovery, or in an attempt to protect the property from forfeiture, the court may order the third party to forfeit the transferred property.</p> <p>B. Prior to the forfeiture of property, a contradictory hearing shall be held during which the attorney general shall prove by clear and convincing evidence that the property in question is subject to forfeiture pursuant to Subsection A of this Section. No such contradictory hearing shall be required if the owner of the property in question agrees to the forfeiture.</p> <p>C. If property is transferred to another person within six months prior to the occurrence or after the occurrence of the violation for which recovery is due or within six months prior to or after the institution of a criminal, civil, or departmental investigation or proceeding, it shall be prima facie evidence that the transfer was intended to avoid paying recovery or was an attempt to protect the property from forfeiture.</p> <p>D. The healthcare provider or other person from whom recovery is due shall have an affirmative duty to fully disclose all property and liabilities and all transfers of property which meet the criteria of Subsection C of this Section to the court and the attorney general.</p> |

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|                 | <p><b>HISTORY:</b> Acts 2012, No. 862, § 1, eff. Aug. 1, 2012.</p> <p>-----</p> <p>La. R.S. 46:437.1<br/>This Part may be cited as the "<b>Medical Assistance Programs Integrity Law</b>"</p> <p>La. R.S. 46:437.3 – Definitions<br/><a href="https://www.legis.la.gov/legis/Law.aspx?d=100859">https://www.legis.la.gov/legis/Law.aspx?d=100859</a><br/>As used in this Part, the following terms have the following meanings:</p> <p>(1) “Administrative adjudication” means adjudication and the adjudication process contained in the Administrative Procedure Act.<sup>1</sup></p> <p>(2) “Agent” means a person who is employed by or has a contractual relationship with a health care provider or who acts on behalf of the health care provider.</p> <p>(3) “Billing agent” means an agent who performs any or all of the health care provider's billing functions.</p> <p>(4) “Billing” or “bills” means submitting, or attempting to submit, a claim for goods, services, or supplies.</p> <p>(5) “Claim” means any request or demand, whether under a contract or otherwise, for money or property, whether or not the state or department has title to the money or property, that is drawn in whole or in part on medical assistance programs funds that are either of the following:</p> <p>(a) Presented to an officer, employee, or agent of the state or department.</p> <p>(b) Made to a contractor, grantee, or other recipient, if the money or property is to be spent or used in any manner in any program administered by the department under the authority of federal or state law, rule, or regulation, and if the state or department does either of the following:</p> <p>(i) Provides or has provided any portion of the money or property requested or demanded.</p> <p>(ii) Reimburses the contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded.</p> <p>A claim may be based on costs or projected costs and includes any entry or omission in a cost report or similar document, book of account, or any other document which supports, or attempts to support, the claim. A claim may be made through electronic means if authorized by the department. Each claim may be treated as a separate claim or several claims may be combined to form one claim.</p> <p>(6) “Department” means the Louisiana Department of Health.</p> <p>(7) “Good, service, or supply” means any good, item, device, supply, or service for which a claim is made, or is attempted to be made, in whole or part.</p> <p>(8) “Health care provider” means any person furnishing or claiming to furnish a good, service, or supply under the medical assistance programs, any other person defined as a health care provider by federal or state law or by rule, and a provider-in-fact.</p> <p>(9) “Knowing” or “knowingly” means that the person has actual knowledge of the information or acts in deliberate ignorance or reckless disregard of the truth or falsity of the information. No proof of specific intent to defraud is required.</p> |

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|                 | <p>(10) “Managed care organization” means any person or entity contracted with the department for the provision or management of healthcare benefits under the medical assistance programs through a capitated rate.</p> <p>(11) “Managing employee” means a person who exercises operational or managerial control over, or who directly or indirectly conducts, the day-to-day operations of a health care provider. “Managing employee” shall include but is not limited to a chief executive officer, president, general manager, business manager, administrator, or director.</p> <p>(12) “Material” means having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property.</p> <p>(13) “Medical assistance programs” means the Medical Assistance Program, also known as Title XIX of the Social Security Act and commonly referred to as “Medicaid”, and other programs administered by the department.</p> <p>(14) “Obligation” means an established duty, whether or not fixed, arising from an express or implied contractual, grantor, grantee, or licensor-licensee relationship, from a free-based or similar relationship, from statute or regulation, or from the retention of any overpayment.</p> <p>(15) “Order” means a final order imposed pursuant to an administrative adjudication.</p> <p>(16) “Ownership interest” means the possession, directly or indirectly, of equity in the capital or the stock, or the right to share in the profits, of a health care provider.</p> <p>(17) “Property” means any and all property, movable and immovable, corporeal and incorporeal.</p> <p>(18) “Provider agreement” means a document which is required as a condition of enrollment or participation as a health care provider under the medical assistance programs.</p> <p>(19) “Provider-in-fact” means an agent who directly or indirectly participates in management decisions, has an ownership interest in the health care provider, or other persons defined as a provider-in-fact by federal or state law or by rule.</p> <p>(20) “Recipient” means an individual who is eligible to receive health care through the medical assistance programs.</p> <p>(21) “Recovery” means the recovery of overpayments, damages, fines, penalties, costs, expenses, restitution, attorney fees, or interest or settlement amounts.</p> <p>(22) “Rule” means any rule or regulation promulgated by the department in accordance with the Administrative Procedure Act and any federal rule or regulation promulgated by the federal government in accordance with federal law.</p> <p>(23) “Sanction” shall include but is not limited to any or all of the following:</p> <ul style="list-style-type: none"><li>(a) Recoupment.</li><li>(b) Posting of bond, other security, or a combination thereof.</li><li>(c) Exclusion as a health care provider.</li><li>(d) A monetary penalty.</li></ul> <p>(24) “Secretary” means the secretary of the Louisiana Department of Health, or his authorized designee.</p> <p>(25) “Secretary or attorney general” means that either party is authorized to institute a proceeding or take other authorized action as provided in this Part pursuant to a memorandum of understanding between the two so as to notify the public as to whether the secretary or the attorney general is the deciding</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|                 | <p>or controlling party in the proceeding or other authorized matter; however the secretary may pursue an action pursuant to R.S. 46:438.1 et seq. only if the department referred the matter to the attorney general and the attorney general notified the secretary, in writing, that he declines to proceed with the matter.</p> <p>(26) “Withhold payment” means to reduce or adjust the amount, in whole or in part, to be paid to a health care provider for a pending or future claim during the time of a criminal, civil, or departmental investigation or proceeding or claims review of the health care provider.</p> <p>Credits</p> <p>Added by Acts 1997, No. 1373, § 1. Amended by Acts 2011, No. 185, § 1; Acts 2025, No. 206, § 1.</p> <p><b>La. R.S. 46:437.4 - Claims review and administrative sanctions</b><br/><a href="https://www.legis.la.gov/legis/Law.aspx?d=100860">https://www.legis.la.gov/legis/Law.aspx?d=100860</a></p> <p><b>A. (1)</b> Pursuant to rules and regulations promulgated in accordance with the Administrative Procedure Act, the secretary shall establish a process to review a claim made by a health care provider to determine if the claim should be or should have been paid as required by federal or state law or by rule.</p> <p><b>(2)</b> Claims review may occur prior to or after payment is made to a health care provider.</p> <p><b>(3)</b> The secretary may withhold payment to a health care provider during claims review if necessary to protect the fiscal integrity of the medical assistance programs.</p> <p><b>(4)</b> The administrative rules promulgated by the department to implement the claim review process established pursuant to this Subsection shall provide for procedures to ensure that providers receive or retain the appropriate reimbursement amount for claims in which the department determines that services delivered have been improperly billed but were reasonable and necessary.</p> <p><b>B.</b> The secretary may establish various types of administrative sanctions pursuant to rules and regulations promulgated in accordance with the Administrative Procedure Act which may be imposed on a health care provider or other person who violates any provision of this Part or any other applicable federal or state law or rule related to the medical assistance programs.</p> <p><b>C. (1)</b> The department shall conduct a hearing in compliance with the Administrative Procedure Act at the request of a person who wishes to contest an administrative sanction imposed on him by the secretary.</p> <p><b>(2)</b> A party aggrieved of an order may seek judicial review only in the Nineteenth Judicial District Court for the parish of East Baton Rouge.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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|                 | <p>(3) Judicial review of the order shall be conducted in compliance with the Administrative Procedure Act.</p> <p>D. All state rules and regulations issued on or before August 15, 1997, shall be deemed to have been issued in compliance with and under the authority of this Section.</p> <p>⬆️History: <a href="#">Acts 1997, No. 1373</a>, § 1; <a href="#">Acts 2016, No. 467</a>, § 1, eff. Aug. 1, 2016.</p> <p><b>La. R.S. 46:437.14 - Grounds for denial or revocation of enrollment</b><br/><a href="https://www.legis.la.gov/legis/Law.aspx?d=100857">https://www.legis.la.gov/legis/Law.aspx?d=100857</a></p> <p>A. The department may deny or revoke enrollment in the medical assistance programs to a health care provider if any of the following are found to be applicable to the health care provider, his agent, a managing employee, or any person having an ownership interest equal to five percent or greater in the health care provider:</p> <p>(1) Misrepresentation.</p> <p>(2) Previous or current exclusion, suspension, termination from, or the involuntary withdrawing from participation in, the medical assistance programs, any other state's Medicaid program, Medicare, or any other public or private health or health insurance program.</p> <p>(3) Conviction under federal or state law of a criminal offense relating to the delivery of any goods, services, or supplies, including the performance of management or administrative services relating to the delivery of the goods, services, or supplies, under the medical assistance programs, any other state's Medicaid program, Medicare, or any other public or private health or health insurance program.</p> <p>(4) Conviction under federal or state law of a criminal offense relating to the neglect or abuse of a patient in connection with the delivery of any goods, services, or supplies.</p> <p>(5) Conviction under federal or state law of a criminal offense relating to the unlawful manufacture, distribution, prescription, or dispensing of a controlled substance.</p> <p>(6) Conviction under federal or state law of a criminal offense relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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|                 | <p>misconduct.</p> <p>(7) Conviction under federal or state law of a criminal offense punishable by imprisonment of a year or more which involves moral turpitude, or acts against persons who are elderly, children, or persons with infirmities.</p> <p>(8) Conviction under federal or state law of a criminal offense in connection with the interference or obstruction of any investigation into any criminal offense listed in Paragraphs (3) through (9) of this Subsection.</p> <p>(9) Sanction pursuant to a violation of federal or state laws or rules relative to the medical assistance programs, any other state's Medicaid program, Medicare, or any other public health care or health insurance program.</p> <p>(10) Violation of licensing or certification conditions or professional standards relating to the licensure or certification of health care providers or the required quality of goods, services, or supplies provided.</p> <p>(11) Failure to pay recovery properly assessed or pursuant to an approved repayment schedule under the medical assistance programs.</p> <p>(12) Failure to meet any condition of enrollment.</p> <p><b>B.</b> Before signing a provider agreement and at the discretion of the department, a person may become eligible to receive payment from the medical assistance programs from the time the goods, services, or supplies were furnished, if:</p> <p>(1) The goods, services, or supplies provided were otherwise compensable.</p> <p>(2) The person met all other requirements of a health care provider at the time the goods, services, or supplies were provided.</p> <p>(3) The person agrees to abide by the provisions of the provider agreement to be effective from the date the goods, services, or supplies were provided.</p> <p><b>History:</b> <a href="#">Acts 1997, No. 1142</a>, § 2; <a href="#">Acts 2014, No. 811</a>, § 24, eff. June 23, 2014.</p> <p><b>La. R.S. 46:438.1 - Civil actions authorized</b></p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|                 | <p data-bbox="443 215 1118 248"><a href="https://www.legis.la.gov/legis/Law.aspx?d=100866">https://www.legis.la.gov/legis/Law.aspx?d=100866</a></p> <p data-bbox="443 293 2489 440">A. The attorney general shall diligently investigate a violation of this Part. The secretary or the attorney general, on behalf of the state, may institute a civil action in the Nineteenth Judicial District Court for the parish of East Baton Rouge or another court of proper jurisdiction to seek recovery from persons who violate the provisions of this Part. The contract of employment of any private counsel, including fee amounts, and all final fees and costs, shall be a public record.</p> <p data-bbox="443 448 2419 518">B. An action to recover costs, expenses, fees, and attorney fees shall be ancillary to, and shall be brought and heard in the same court as, the civil action brought under the provision of Subsection A of this Section.</p> <p data-bbox="443 526 2435 596">C. (1) A prevailing defendant may seek recovery for costs, expenses, fees, and attorney fees only if the court finds, following a contradictory hearing, that either of the following apply:</p> <p data-bbox="443 604 2360 673">(a) The action was instituted by the state pursuant to Subsection A of this Section after it should have been determined by the state to be frivolous, vexatious, or brought primarily for the purpose of harassment.</p> <p data-bbox="443 682 2489 751">(b) The state proceeded with the action instituted pursuant to Subsection A of this Section after it should have been determined by the state that proceeding would be frivolous, vexatious, or for the purpose of harassment.</p> <p data-bbox="443 760 2459 829">(2) Recovery awarded to a prevailing defendant shall be awarded only for those reasonable, necessary, and proper costs, expenses, fees, and attorney fees actually incurred by the prevailing defendant.</p> <p data-bbox="443 837 2489 946">D. An action to recover costs, expenses, fees, and attorney fees may be brought no later than sixty days after the rendering of judgment by the district court, unless the district court decision is appealed. If the district court decision is appealed, such action may be brought no later than sixty days after the rendering of the final opinion on appeal by the court of appeal or, if applicable, by the supreme court.</p> <p data-bbox="443 954 537 982">Credits</p> <p data-bbox="443 990 1698 1021">Added by Acts 1997, No. 1373, § 1. Amended by Acts 2014, No. 711, § 1; Acts 2025, No. 206, § 1.</p> <p data-bbox="443 1068 956 1099"><b>La. R.S. 46:438.2 - Illegal remuneration</b></p> <p data-bbox="443 1107 1118 1140"><a href="https://www.legis.la.gov/legis/Law.aspx?d=100867">https://www.legis.la.gov/legis/Law.aspx?d=100867</a></p> <p data-bbox="443 1187 2456 1256">A. No person shall solicit, receive, offer, or pay any remuneration, including but not limited to kickbacks, bribes, rebates, or bed hold payments, directly or indirectly, overtly or covertly, in cash or in kind, for the following:</p> <p data-bbox="443 1304 2494 1411">(1) In return for referring an individual to a health care provider, or for referring an individual to another person for the purpose of referring an individual to a health care provider, for the furnishing or arranging to furnish any good, supply, or service for which payment may be made, in whole or in part, under the medical assistance programs.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|                 | <p>(2) In return for purchasing, leasing, or ordering, or for arranging for or recommending purchasing, leasing, or ordering, any good, supply, or service, or facility for which payment may be made, in whole or in part, under the medical assistance programs.</p> <p>(3) To a recipient of goods, services, or supplies, or his representative, for which payment may be made, in whole or in part, under the medical assistance programs.</p> <p>(4) To obtain a recipient list, number, name, or any other identifying information.</p> <p>B. An action brought pursuant to the provisions of this Section shall be instituted within one year of when the department knew that the prohibited conduct occurred. Such prohibited conduct shall be referred to in this Part as "illegal remuneration".</p> <p>C. By rules and regulations promulgated in accordance with the Administrative Procedure Act, the secretary may provide for additional "safe harbor" exceptions to which the provisions of this Section shall not apply.</p> <p>D. The following are "safe harbor" exceptions to which the provisions of this Section shall not apply:</p> <p>(1) A discount or other reduction in price obtained by a health care provider under the medical assistance programs if the reduction in price is properly disclosed to the department and is reflected in the claim made by the health care provider.</p> <p>(2) Any amount paid by an employer to an employee, who has a bona fide employment relationship with such employer, for the provision of covered goods, services, or supplies.</p> <p>(3) Any discount amount paid by a vendor of goods, services, or supplies to a person authorized to act as a purchasing agent for a group of health care providers who are furnishing goods, services, or supplies paid or reimbursed under the medical assistance programs provided the following criteria are met:</p> <p>(a) The person acting as the purchasing agent has a written contract with each health care provider specifying the amount to be paid to the purchasing agent, which amount may be a fixed amount or a fixed percentage of the value of the purchases made by each such health care provider under the contract, or a combination of both.</p> <p>(b) The health care provider discloses the information contained in the required written contract to the secretary in such form or manner as required</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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|                 | <p>under rules and regulations promulgated by the secretary in accordance with the Administrative Procedure Act.</p> <p>(4) Any other "safe harbor" exception created by federal or state law or by rule.</p> <p>📌<b>History:</b> <u>Acts 1997, No. 1373, § 1.</u></p> <p><b>La. R.S. 46:438.3 - False or fraudulent claim; misrepresentation</b><br/><a href="https://www.legis.la.gov/legis/Law.aspx?d=100868">https://www.legis.la.gov/legis/Law.aspx?d=100868</a></p> <p>A. No person shall knowingly present or cause to be presented a false or fraudulent claim for payment or approval.</p> <p>B. No person shall knowingly engage in misrepresentation or knowingly make, use, or cause to be made or used, a false record or statement material to a false or fraudulent claim.</p> <p>C. No person shall knowingly make, use, or cause to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the medical assistance programs, or knowingly conceal or knowingly and improperly avoid or decrease an obligation to pay or transmit money or property to the medical assistance programs.</p> <p>D. No person shall conspire to defraud the medical assistance programs or conspire to commit a violation of this Part.</p> <p>E. (1) No person shall knowingly submit a claim for goods, services, or supplies which were medically unnecessary or which were of substandard quality or quantity.</p> <p>(2) If a managed care health care provider or a health care provider operating under a voucher system under the medical assistance programs fails to provide medically necessary goods, services, or supplies or goods, services, or supplies which are of substandard quality or quantity to a recipient, and those goods, services, or supplies are covered under the managed care contract or voucher contract with the medical assistance programs, such failure shall constitute a violation of Paragraph (1) of this Subsection.</p> <p>(3) “Substandard quality” in reference to services applicable to medical care as used in this Subsection shall mean substandard as to the appropriate standard of care as used to determine medical malpractice, including but not limited to the standard of care provided in R.S. 9:2794.</p> <p>F. No person shall knowingly make or cause to be made a claim under the medical assistance programs for any of the following:</p> <p>(1) A service or product that has not been approved or prescribed by a treating physician or health care practitioner.</p> <p>(2) A service or product that is substantially inadequate or inappropriate when compared to generally recognized standards within the particular discipline or within the health care industry.</p> <p>(3) A product that has been adulterated, debased, mislabeled, or is otherwise inappropriate.</p> <p>G. No person shall knowingly make, cause to be made, induce, or seek to induce the making of a false statement or misrepresentation of material fact concerning any of the following:</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                 | <p>(1) The condition or operation of a facility in order that the facility may qualify for certification or recertification required by the medical assistance programs including but not limited to certification or recertification of any of the following:</p> <p>(a) A hospital.</p> <p>(b) A nursing facility or skilled nursing facility.</p> <p>(c) A hospice.</p> <p>(d) An intermediate care facility for people with developmental disabilities.</p> <p>(e) An assisted living facility.</p> <p>(f) A home health agency.</p> <p>(2) Information the person is required to produce to the department by federal or state law, rule, regulation, or provider agreement.</p> <p>H. No provider or provider-in-fact shall fail to provide to the department, attorney general, legislative auditor, or other appropriate state agency information required to be provided by law, rule, or contractual provision.</p> <p>I. No person shall defraud or attempt to defraud the medical assistance programs through misrepresentation.</p> <p>J. No person shall obtain or attempt to obtain payment for a false or fraudulent claim.</p> <p>K. It shall be unlawful for a managed care organization or a subcontractor to a managed care organization that contracts with the department or other state agency to provide or arrange to provide health care benefits or services to individuals eligible under the medical assistance programs and knowingly do any of the following:</p> <p>(1) Fail to provide an individual a healthcare benefit or service that the organization is required to provide under the contract with the department.</p> <p>(2) Fail to provide to the department, attorney general, legislative auditor, or other appropriate state agency information required to be provided by law, rule, or contractual provision.</p> <p>(3) Engage in fraudulent activity in connection with the enrollment of an individual eligible under the medical assistance programs or in connection with marketing the organization's services to an individual eligible under the medical assistance programs.</p> <p>L. No person shall make a claim under the medical assistance programs and knowingly misrepresent the identification of the healthcare provider who actually provided the service when such identification is necessary to obtain payment for the claim.</p> <p>M. Each violation of this Section may be treated as a separate violation or may be combined into one violation at the option of the secretary or the attorney general.</p> <p>N. No action brought pursuant to this Section shall be instituted later than ten years after the date upon which the alleged violation occurred.</p> <p>Credits</p> <p>Added by Acts 1997, No. 1373, § 1. Amended by Acts 2007, No. 14, § 1, eff. June 18, 2007; Acts 2009, No. 426, § 1; Acts 2011, No. 185, § 1; Acts 2025, No. 206, § 1.</p> <p><b>La. R.S. 46:438.4 - Illegal acts regarding eligibility and recipient lists</b></p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                 | <p><a href="https://www.legis.la.gov/legis/Law.aspx?d=100869">https://www.legis.la.gov/legis/Law.aspx?d=100869</a></p> <p>A. No person shall knowingly make, use, or cause to be made or used a false, fictitious, or misleading statement on any form used for the purpose of certifying or qualifying any person for eligibility for the medical assistance programs or to receive any good, service, or supply under the medical assistance programs which that person is not eligible to receive.</p> <p>B. No unauthorized person, or no authorized person for an unauthorized purpose, shall obtain a recipient list, number, name, or any other identifying information, nor shall that person use, possess, or distribute such information.</p> <p>C. An action brought pursuant to the provisions of this Section shall be instituted within one year of when the department knew that the prohibited conduct occurred.</p> <p>📖<b>History:</b> Acts 1997, No. 1373, § 1.</p> <p><b>La. R.S. 46:438.5 - Civil monetary penalty</b></p> <p><a href="https://www.legis.la.gov/legis/Law.aspx?d=100870">https://www.legis.la.gov/legis/Law.aspx?d=100870</a></p> <p>A. In a civil action instituted in the courts of this state pursuant to the provisions of this Part, the secretary or the attorney general may seek a civil monetary penalty provided in <a href="#">R.S. 46:438.6(C)</a> from any of the following:</p> <p>(1) A health care provider or other person sanctioned by order pursuant to an administrative adjudication.</p> <p>(2) A health care provider or other person determined by a court to have violated any provision of this Part.</p> <p>(3) A health care provider or other person who has violated a settlement agreement entered into pursuant to this Part.</p> <p>(4) A health care provider or other person who has been charged with a violation of <a href="#">R.S. 14:70.1</a>, <a href="#">R.S. 14:133</a>, or <a href="#">R.S. 46:114.2</a>.</p> <p>(5) A health care provider or other person who has been found liable in a civil action filed in federal court pursuant to <a href="#">18 U.S.C. 1347, et seq.</a>, 42 U.S.C. 1359nn(h)(6), or <a href="#">42 U.S.C. 1320a-7(b)</a>.</p> <p>(6) A health care provider or other person who has pled guilty to, pled nolo contendere to, or has been convicted in federal court of criminal conduct arising out of circumstances which would constitute a violation of this Part.</p> <p>B. (1) If a health care provider is sanctioned by order pursuant to an administrative adjudication and if judicial review of the order is sought, a civil suit may be filed for imposition and recovery of the civil monetary penalty during the pendency of such judicial review. The reviewing court may consolidate both actions and hear them concurrently.</p> <p>(2) If judicial review of an order is sought, the secretary or the attorney general shall file the action for recovery of the civil monetary penalty within one year of service on the secretary of the petition seeking judicial review of the order.</p> <p>(3) If no judicial review of an order is sought, the secretary or the attorney general may file the action for recovery of the civil monetary penalty within one year of the date of the order.</p> |

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|                 | <p>(4) Any action brought under the provisions of this Subsection shall be filed in the Nineteenth Judicial District Court for the parish of East Baton Rouge.</p> <p>C. In the instance of a state criminal action, the action for recovery of the civil monetary penalty may be brought as part of the criminal action or shall be brought within one year of the date of the criminal conviction or final plea.</p> <p>D. (1) In the case of a civil judgment rendered in federal court, the action for recovery of the civil monetary penalty may be brought once the judgment becomes enforceable and no later than one year after written notification to the secretary of the enforceable judgment.</p> <p>(2) In the case of a criminal conviction or plea in federal court, the action under this Section may be brought once the conviction or plea is final and no later than one year after written notification to the secretary of the rendering of the conviction or final plea.</p> <p>(3) Any action brought under the provisions of this Subsection shall be filed in the Nineteenth Judicial District Court for the parish of East Baton Rouge.</p> <p>E. If an action is brought pursuant to this Part, the request for the imposition of a civil monetary penalty shall only be considered if made part of the original or amended petition.</p> <p>F. Nothing in this Section shall limit the rights of a qui tam plaintiff who brings a qui tam action in accordance with Subpart C of this Part.</p> <p><b>Credits</b><br/>Added by <a href="#">Acts 1997, No. 1373, § 1</a>. Amended by <a href="#">Acts 2025, No. 206, § 1</a>.</p> <p><b>La. R.S. 46:438.6 - Recovery</b><br/><a href="https://www.legis.la.gov/legis/Law.aspx?d=100871">https://www.legis.la.gov/legis/Law.aspx?d=100871</a></p> <p>A. Actual damages. (1) Actual damages incurred as a result of a violation of the provisions of this Part shall be recovered only once by the medical assistance programs and shall not be waived by the court.</p> <p>(2), (3) Repealed by Acts 2025, No. 206, § 2.</p> <p>B. Civil fine. (1) Any person who is found to have violated R.S. 46:438.2 shall be subject to a civil fine in an amount not to exceed ten thousand dollars per violation, or an amount equal to three times the value of the illegal remuneration, whichever is greater.</p> <p>(2) Except as limited by this Section, any person who is found to have violated R.S. 46:438.3 shall be subject to a civil fine in an amount not to exceed three times the amount of actual damages sustained by the medical assistance programs as a result of the violation.</p> <p>C. Civil monetary penalty. (1) In addition to the actual damages provided in Subsection A of this Section and the civil fine imposed pursuant to Subsection B of this Section, the following civil monetary penalties shall be imposed on the violator:</p> <p>(a) Not less than five thousand five hundred dollars but not more than eleven thousand dollars for each false or fraudulent claim, misrepresentation, illegal remuneration, or other prohibited act as contained in R.S. 46:438.2, 438.3, or 438.4.</p> <p>(b) Payment of interest on the amount of the civil fine imposed pursuant to Subsection B of this Section at the maximum rate of legal interest provided by R.S. 13:4202 from the date the damage occurred to the date of repayment.</p> <p>(2) Prior to the imposition of a civil monetary penalty, the court shall consider if there are extenuating circumstances as provided in R.S. 46:438.7.</p> |

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|                 | <p>(3) The penalties provided in this Subsection shall be adjusted according to the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. 2461.</p> <p>D. Costs, expenses, fees, and attorney fees. (1) Any person who is found to have violated this Subpart shall be liable for all costs, expenses, and fees related to investigations and proceedings associated with the violation, including attorney fees.</p> <p>(2) All awards of costs, expenses, fees, and attorney fees are subject to review by the court using a reasonable, necessary, and proper standard of review.</p> <p>(3) The state shall promptly remit awards for those costs, expenses, and fees incurred by the various clerks of court or sheriffs involved in the investigations or proceedings to the appropriate clerk or sheriff.</p> <p>E. Damages. (1) If recovery is due from a health care provider under the provisions of Subsections A and B of this Section, such recovery shall constitute civil liquidated damages for breach of the conditions and requirements of participation in the medical assistance programs which are and shall be construed by the courts to be remedial, but not retroactive, in nature.</p> <p>(2) Any award of civil liquidated damages, costs, expenses, and attorney fees shall be in addition to criminal penalties and to the civil monetary penalty provided in Subsection C of this Section.</p> <p>Credits</p> <p>Added by Acts 1997, No. 1373, § 1. Amended by Acts 2007, No. 14, § 1, eff. June 18, 2007; Acts 2011, No. 185, § 1; Acts 2025, No. 206, § 1.</p> <p><b>La. R.S. 46:438.7 - Reduced damages</b></p> <p><a href="https://www.legis.la.gov/legis/Law.aspx?d=100872">https://www.legis.la.gov/legis/Law.aspx?d=100872</a></p> <p>If requested by the secretary or the attorney general, the court may reduce to not less than twice the actual damages or any recovery required to be imposed under the provisions of this Subpart if all of the following extenuating circumstances are found to be applicable:</p> <p>(1) The violator furnished all the information known to him about the specific allegation to the secretary or attorney general no later than thirty days after the violator first obtained the information.</p> <p>(2) The violator cooperated fully with all federal or state investigations concerning the specific allegation.</p> <p>(3) At the time the violator furnished the information concerning the specific allegation to the state, no criminal prosecution, civil action, or administrative action had been commenced as to the alleged violation, and the violator did not have actual knowledge of the existence of an investigation into such a violation.</p> <p>Credits</p> <p>Added by Acts 1997, No. 1373, § 1. Amended by Acts 2011, No. 185, § 1; Acts 2025, No. 206, § 1.</p> <p>-----</p> <p>Louisiana Revised Statutes</p> <p>Title 22. Insurance</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|                 | <p>Chapter 2. Requirements for insurers and other risk bearing entities<br/>Part 3. Financial solvency and reporting requirements<br/>Subpart A. Financial reporting requirements</p> <p>La. R.S. § 22:572.1 - <b>Insurance anti-fraud plan</b><br/><a href="https://www.legis.la.gov/legis/Law.aspx?d=727066">https://www.legis.la.gov/legis/Law.aspx?d=727066</a></p> <p>A. Each authorized insurer, other than a “small company” as defined in R.S. 22:46, and each health maintenance organization licensed to operate in this state shall prepare, implement, maintain, and file with the commissioner an insurance anti-fraud plan for its operations in this state.</p> <p>B. The insurance anti-fraud plan required by Subsection A of this Section shall outline specific procedures, actions, and safeguards that include how the authorized insurer or health maintenance organization will do each of the following:</p> <p>(1) Detect, investigate, and prevent all forms of insurance fraud, including fraud involving its employees or agents; fraud resulting from misrepresentations in the application, renewal, or rating of insurance policies; fraudulent claims; and breach of security of its data processing systems.</p> <p>(2) Educate employees on fraud detection and the insurance anti-fraud plan.</p> <p>(3) Provide for fraud investigations, whether through the use of internal fraud investigators or third-party contractors.</p> <p>(4) Report a suspected fraudulent insurance act, as defined by R.S. 22:1923(2), to the Department of Insurance as well as law enforcement and other regulatory authorities engaged in the investigation and prosecution of insurance fraud.</p> <p>(5) Pursue restitution for financial loss caused by insurance fraud.</p> <p>C. The commissioner shall review the insurance anti-fraud plan submitted pursuant to Subsection A of this Section to determine compliance with the requirements of this Section.</p> <p>D. The commissioner may investigate and examine the records and operations of authorized insurers and health maintenance organizations to determine if they have implemented and complied with the insurance anti-fraud plan.</p> <p>E. The commissioner may direct any modification to the insurance anti-fraud plan necessary to comply with the requirements of this Section, and the commissioner may require action to remedy substantial noncompliance with the insurance anti-fraud plan.</p> <p>F. (1) The insurance anti-fraud plan and any summary report shall be filed with the commissioner on or before April first of each calendar year.</p> <p>(2) Either on a calendar year basis or such other interval that the commissioner deems appropriate, the commissioner may require that each authorized insurer and each health maintenance organization file a summary report of any material change to the insurance anti-fraud plan, including the total number of claims and the number of claims referred to the commissioner as suspicious, and all of the following information:</p> <p>(a) The number of policies in effect.</p> <p>(b) The amount of premiums written for policies.</p> <p>(c) The number of claims received.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|                 | <p>(d) The number of claims referred for investigation to the insurer's fraud investigators.</p> <p>(e) The number of claims investigated or accepted by the insurer's fraud investigators.</p> <p>(f) The number of insurance fraud matters investigated or accepted by the insurer's fraud investigators that were not claim related.</p> <p>(g) The number of cases referred to the department.</p> <p>(h) The estimated dollar amount of losses attributable to fraudulent insurance acts, organized by type of fraud, including claimant, employer, provider, agent, and other types.</p> <p>(i) The estimated dollar amount of recoveries attributable to fraudulent insurance acts, organized by type of fraud, including claimant, employer, provider, agent, and other types.</p> <p>(j) The dollar amount of claims denied or not paid based on fraud investigation organized by product line.</p> <p>(k) Quantification of the resources committed to investigating insurance fraud, organized by line of business, for the prior year.</p> <p>(3) The commissioner may prescribe the format of the summary report provided for in this Subsection.</p> <p>G. The insurance anti-fraud plan and any summary report required by this Section are not public records and are exempt pursuant to R.S. 44:1 et seq., and specifically R.S. 44:4.1(B)(11), shall be and are hereby declared to be proprietary and confidential business records not subject to public examination or subpoena.</p> <p>Credits</p> <p>Added by Acts 2010, No. 688, § 1, eff. Jan. 1, 2011. Amended by Acts 2014, No. 121, § 1; Acts 2024, No. 614, § 1.</p> |
|                 | <p><b>Qui Tam Actions &amp; Remedies</b></p> <p>La. R.S. 46:439.1</p> <p><b>§ 46:439.1. Qui tam action, civil action filed by private person</b></p> <p><a href="https://www.legis.la.gov/legis/Law.aspx?p=y&amp;d=100874">https://www.legis.la.gov/legis/Law.aspx?p=y&amp;d=100874</a></p> <p>A. A private person may institute a civil action in the courts of this state on behalf of the state and himself to seek recovery for a violation of R.S. 46:438.2, 438.3, or 438.4 pursuant to the provisions of this Subpart. The institutor shall be known as a “qui tam plaintiff” and the civil action shall be known as a “qui tam action”. The action may be dismissed only if the court and the attorney general give written consent to the dismissal and reasons for consenting.</p> <p>B. No qui tam action shall be instituted more than six years after the date on which the violation of the Louisiana Medical Assistance Programs Integrity Law is committed or more than three years after the date the facts material to the right of action are known or reasonably should have been known by the official of the state of Louisiana charged with the responsibility to act in the circumstances, but no more than ten years after the date on which the violation is committed, whichever occurs last.</p> <p>C. The burden of proof in a qui tam action instituted pursuant to this Subpart shall be the same as that set forth in R.S. 46:438.8.</p>                                                                                                                                                                         |

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|                 | <p>D. (1) Unless the action is brought by the state or the qui tam plaintiff is an original source of information, the court shall dismiss an action or claim in accordance with this Section, unless opposed by the state if substantially the same allegations or transactions as alleged in the action or claim were publicly disclosed in any of the following:</p> <p>(a) A criminal, civil, or administrative hearing in which the state or its agent is a party.</p> <p>(b) A state legislative or other state hearing, report, audit, or investigation.</p> <p>(c) The news media.</p> <p>(2) For the purposes of this Subsection, “original source” means an individual who, prior to a public disclosure in accordance with this Subsection, has voluntarily disclosed to the state the information on which allegations or transactions in a claim are based or who has knowledge that is independent of and materially adds to the publicly disclosed allegations or transactions, and who has voluntarily provided the information to the state before filing an action in accordance with this Subpart.</p> <p>E. Any employee, contractor, or agent shall be entitled to all relief necessary to make that employee, contractor, or agent whole, if the employee, contractor, or agent is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful acts done by the employee, contractor, agent, or associated others in furtherance of an action in accordance with this Part or other efforts to stop one or more violations of this Part.</p> <p>(1) Relief in accordance with this Subsection shall include reinstatement with the same seniority status the employee, contractor, or agent would have had but for the discrimination, two times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney fees. An action in accordance with this Section may be brought in the appropriate district court of competent jurisdiction for the relief provided in this Section.</p> <p>(2) A civil action in accordance with this Section may not be brought more than three years after the date the retaliation occurred.</p> <p>F. Repealed by Acts 2025, No. 206, § 2.</p> <p>G. Notwithstanding any other law to the contrary, a qui tam complaint and information delivered to the state shall not be subject to discovery or become public record until judicial service of the qui tam action is made on any of the defendants, except that the information contained therein may be given to other governmental entities or their authorized agents for review and investigation. The entities and their authorized agents shall maintain the confidentiality of the information provided to them under this Subsection.</p> <p>H, I. Repealed by Acts 2011, No. 185, § 2.</p> <p>Credits</p> <p>Added by Acts 1997, No. 1373, § 1. Amended by Acts 2009, No. 426, § 1; Acts 2011, No. 185, § 1; Acts 2025, No. 206, § 1.</p> <p><b>La. R.S. 46:439.2 - Qui tam action procedures</b><br/><a href="https://www.legis.la.gov/legis/Law.aspx?d=100875">https://www.legis.la.gov/legis/Law.aspx?d=100875</a></p> |

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|                 | <p>A. The following procedures shall be applicable to a qui tam action:</p> <p>(1) The complaint shall be captioned: “State of Louisiana Ex Rel.: [insert name of qui tam plaintiff(s)] v. [insert name of defendant(s)]”. The qui tam complaint shall be filed with the appropriate state or federal district court.</p> <p>(2) A copy of the qui tam complaint and written disclosure of substantially all material evidence and information each qui tam plaintiff possesses shall be served upon the state in accordance with the applicable rules of civil procedure.</p> <p>(3) When a person brings an action in accordance with this Subpart, no person or entity other than the state may intervene or bring a related action based on the facts underlying the pending action.</p> <p>(4)(a) The complaint and information filed with the court shall be made under seal, shall remain under seal for at least ninety days from the date of filing, and shall be served on the defendant when the seal is removed.</p> <p>(b) For good cause shown, the state may move the court for extensions of time during which the petition remains under seal. Any such motions may be supported by affidavits or other submissions in camera and under seal.</p> <p>B. (1) If the state elects to intervene in the action, the state shall not be bound by any act of a qui tam plaintiff. The secretary or the attorney general shall control the qui tam action proceedings on behalf of the state and the qui tam plaintiff may continue as a party to the action, subject to the limitations set forth in this Section and R.S. 46:439.3. For prescription purposes, any government complaint in intervention, whether filed separately or as an amendment to the qui tam plaintiff's complaint, shall relate back to the filing date of the complaint, to the extent that the claim of the government arises out of the conduct, transactions, or occurrences set forth, or attempted to be set forth, in the qui tam plaintiff's complaint.</p> <p>(2) Upon a showing by the state during the course of the litigation by the qui tam plaintiff that the action would interfere with or unduly delay the state's prosecution of the case, or it would be repetitious, irrelevant, or for the purposes of harassment, the court may, in its discretion, impose limitations on the qui tam plaintiff's participation, including but not limited to all of the following:</p> <p>(a) Limiting the number of witnesses the qui tam plaintiff may call.</p> <p>(b) Limiting the length of a witness' testimony.</p> <p>(c) Limiting the qui tam plaintiff's cross-examination of a witness.</p> <p>(d) Otherwise limiting the participation of the qui tam plaintiff in the litigation.</p> <p>(3) If requested by the state and notwithstanding the objection of the qui tam plaintiff, the court may dismiss the qui tam action provided the qui tam plaintiff has been notified by the state of the filing of the motion to dismiss and the court has provided the qui tam plaintiff a contradictory hearing on the motion.</p> <p>(4)(a) Whether or not the state proceeds with the action, upon a showing by the state that certain actions of discovery by the qui tam plaintiff would interfere with the investigation or proceedings of a criminal or civil matter arising out of the same facts, the court may stay such discovery for a period of not more than sixty days. The court shall conduct an in-camera showing in accordance with this Subparagraph. The court may extend the sixty-day period upon a</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|                 | <p>further showing, in-camera, that the state has pursued the criminal or civil investigation or proceedings with reasonable diligence and any proposed discovery in the qui tam action will interfere with the ongoing criminal or civil investigation or proceedings.</p> <p>(b) When a qui tam plaintiff proceeds with the action, the court, without limiting the status and rights of the qui tam plaintiff, may nevertheless permit the secretary or the attorney general to intervene at a later date upon a showing of good cause.</p> <p>(5) The state may settle the qui tam action with the defendant notwithstanding the objection of the qui tam plaintiff if the court determines, after a hearing, that the proposed settlement is fair, adequate, and reasonable under the circumstances. The court may conduct the hearing in camera upon a showing of good cause.</p> <p>C. Repealed by Acts 2011, No. 185, § 2.</p> <p>D. A defendant shall have thirty days from the time a qui tam complaint is served on him to file a responsive pleading.</p> <p>E. If the state elects not to proceed with the action, the qui tam plaintiff shall have the right to conduct the action. At the state's request, the qui tam plaintiff and the defendant shall serve the state with all pleadings in the action and supply the state with copies of all deposition transcripts at the state's expense.</p> <p>F. Repealed by Acts 2025, No. 206, § 2.</p> <p>Credits</p> <p>Added by Acts 1997, No. 1373, § 1. Amended by Acts 2007, No. 14, § 1, eff. June 18, 2007; Acts 2009, No. 426, § 1; Acts 2011, No. 185, § 1; Acts 2025, No. 206, § 1.</p> <p><b>La. R.S. 46:439.3 - Qui tam action procedures; alternative remedies</b><br/><a href="https://www.legis.la.gov/legis/Law.aspx?d=100876">https://www.legis.la.gov/legis/Law.aspx?d=100876</a></p> <p>Notwithstanding any other provision of this Subpart, the secretary or the attorney general may elect to pursue an administrative or civil action against a qui tam defendant through any alternative remedy available to the secretary or the attorney general. If an alternate remedy is pursued in another proceeding, the person initiating the action shall have the same rights he would have had if the action had continued in accordance with this Subpart. Any finding of fact or conclusion of law made in the other proceeding that has become final shall be conclusive on all parties to an action in accordance with this Subpart. A finding or conclusion is final if it has been finally determined on appeal, if all delays for the filing of an appeal regarding the finding or conclusion have expired, or if the finding or conclusion is not subject to judicial review.</p> <p>📖<b>History:</b> <a href="#">Acts 1997, No. 1373</a>, § 1, Aug. 15, 1997; <a href="#">Acts 2009, No. 426</a>, § 1, eff. Aug. 15, 2009.</p> <p><b>La. R.S. 46:439.4</b><br/><b>Recovery awarded to a qui tam plaintiff</b><br/><a href="https://www.legis.la.gov/legis/Law.aspx?d=100877">https://www.legis.la.gov/legis/Law.aspx?d=100877</a></p> |

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|                 | <p>A. (1) Except as provided by Subsection D of this Section and Paragraph (3) of this Subsection, if the state proceeds in the action brought by a qui tam plaintiff, the qui tam plaintiff shall receive at least fifteen percent, but not more than twenty-five percent, of recovery.</p> <p>(2) In making a determination of award to the qui tam plaintiff, the court shall consider the extent to which the qui tam plaintiff substantially contributed to the prosecution of the action.</p> <p>(3) If the court finds the allegations in the qui tam action to be based primarily on disclosures of specific information, other than information provided by the qui tam plaintiff, relating to allegations or transactions in criminal, civil, or administrative hearings, or from the news media, the court may award such sum it considers appropriate, but in no case may the court award more than ten percent of the proceeds, considering the significance of the information and the role of the person bringing the action in advancing the case to litigation. Any payment to a person in accordance with this Subsection shall be made from the proceeds recovered.</p> <p>B. Except as provided by Subsection D of this Section, if the secretary or the attorney general does not intervene in the qui tam action, the qui tam plaintiff shall receive an amount, not less than twenty-five but not more than thirty percent of recovery, which the court decides is reasonable for the qui tam plaintiff pursuing the action to judgment or settlement.</p> <p>C. (1) In addition to all other recovery to which he is entitled and if he prevails in the qui tam action through litigation or settlement, the qui tam plaintiff shall be entitled to an award against the defendant for costs, expenses, fees, and attorney fees, subject to review by the court using a reasonable, necessary, and proper standard of review.</p> <p>(2) If the state does not intervene and the qui tam plaintiff conducts the action, the court may award costs, expenses, fees, and attorney fees to a prevailing defendant if the court finds that the claims of the qui tam plaintiff were clearly frivolous, clearly vexatious, or primarily for the purposes of harassment.</p> <p>D. Whether or not the secretary or the attorney general intervenes, if the court finds that the action was brought by a person who planned and initiated the violation which is the subject of the action, then the court may, to the extent the court considers appropriate, reduce the share of the proceeds of the action which the qui tam plaintiff would otherwise receive under Subsection A or B of this Section, taking into account the role the qui tam plaintiff played in advancing the case to judgment or settlement and any relevant circumstances pertaining to the qui tam plaintiff's participation in the violation.</p> <p>E. When more than one party serves as a qui tam plaintiff, the share of recovery each receives shall be determined by the court. In no case, however, shall the total award to multiple qui tam plaintiffs be greater than the total award allowed to a single qui tam plaintiff under Subsection A or B of this Section.</p> <p>F. In no instance shall the state, including but not limited to any state department, agency, or board, be liable for any costs, expenses, fees, or attorney fees incurred by the qui tam plaintiff or for any award entered against the qui tam plaintiff.</p> <p>G. The percentage of the share awarded to or settled for by the qui tam plaintiff shall be determined using the total amount of the proceeds of the action or settlement of the claim.</p> <p>Credits</p> <p>Added by Acts 1997, No. 1373, § 1. Amended by Acts 2007, No. 14, § 1, eff. June 18, 2007; Acts 2009, No. 426, § 1; Acts 2011, No. 185, § 1; Acts 2025, No. 206, § 1.</p> |

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|                 | <p><b>La. R.S. 46:440.2 - Rewards for fraud and abuse information</b><br/><a href="https://www.legis.la.gov/legis/Law.aspx?d=100879">https://www.legis.la.gov/legis/Law.aspx?d=100879</a></p> <p>A. The secretary may provide a reward of up to two thousand dollars to an individual who submits information to the secretary which results in recovery pursuant to the provisions of this Part, provided such individual is not himself subject to recovery under this Part.</p> <p>B. The secretary shall grant rewards only to the extent monies are appropriated for this purpose from the Medical Assistance Programs Fraud Detection Fund. The secretary shall determine the amount of a reward, not to exceed two thousand dollars per individual per action, and establish a process to grant the reward in accordance with rules and regulations promulgated in accordance with the Administrative Procedure Act.</p> <p>📖History: <a href="#">Acts 1997, No. 1373</a>, § 1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|                 | <p><b>Whistle-blower Protections</b></p> <p><b>La. R.S. 46:439.1(E)</b><br/><b>§ 46:439.1. Qui tam action, civil action filed by private person</b><br/><a href="https://www.legis.la.gov/legis/Law.aspx?p=y&amp;d=100874">https://www.legis.la.gov/legis/Law.aspx?p=y&amp;d=100874</a></p> <p>E. Any employee, contractor, or agent shall be entitled to all relief necessary to make that employee, contractor, or agent whole, if the employee, contractor, or agent is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful acts done by the employee, contractor, agent, or associated others in furtherance of an action in accordance with this Part or other efforts to stop one or more violations of this Part.</p> <p>(1) Relief in accordance with this Subsection shall include reinstatement with the same seniority status the employee, contractor, or agent would have had but for the discrimination, two times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney fees. An action in accordance with this Section may be brought in the appropriate district court of competent jurisdiction for the relief provided in this Section.</p> <p>(2) A civil action in accordance with this Section may not be brought more than three years after the date the retaliation occurred.</p> <p><b>Credits</b><br/>Added by <a href="#">Acts 1997, No. 1373, § 1</a>. Amended by <a href="#">Acts 2009, No. 426, § 1</a>; <a href="#">Acts 2011, No. 185, § 1</a>; <a href="#">Acts 2025, No. 206, § 1</a>.</p> |
|                 | <p><b>Whistle-blower Protections</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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|                                                 | <p><b>La. R.S. 46:440.3</b><br/><b>Whistleblower protection and cause of action.</b><br/><a href="https://www.legis.la.gov/legis/Law.aspx?d=100880">https://www.legis.la.gov/legis/Law.aspx?d=100880</a><br/><u>§ 440.3. Repealed by Acts 2025, No. 206, § 2</u></p> <p>LSA-R.S. 23:967<br/>§ 967. Employee protection from reprisal; prohibited practices; remedies<br/>Currentness<br/>A. An employer shall not take reprisal against an employee who in good faith, and after advising the employer of the violation of law:<br/>(1) Discloses or threatens to disclose a workplace act or practice that is in violation of state law.<br/>(2) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of law.<br/>(3) Objects to or refuses to participate in an employment act or practice that is in violation of law.<br/>B. An employee may commence a civil action in a district court where the violation occurred against any employer who engages in a practice prohibited by Subsection A of this Section. If the court finds the provisions of Subsection A of this Section have been violated, the plaintiff may recover from the employer damages, reasonable attorney fees, and court costs.<br/>C. For the purposes of this Section, the following terms shall have the definitions ascribed below:<br/>(1) “Reprisal” includes firing, layoff, loss of benefits, or any discriminatory action the court finds was taken as a result of an action by the employee that is protected under Subsection A of this Section; however, nothing in this Section shall prohibit an employer from enforcing an established employment policy, procedure, or practice or exempt an employee from compliance with such.<br/>(2) “Damages” include compensatory damages, back pay, benefits, reinstatement, reasonable attorney fees, and court costs resulting from the reprisal.<br/>D. If suit or complaint is brought in bad faith or if it should be determined by a court that the employer's act or practice was not in violation of the law, the employer may be entitled to reasonable attorney fees and court costs from the employee.<br/>Credits<br/>Added by Acts 1997, No. 1104, § 1.</p> |
| <i>New Mexico/</i><br>Medicaid False Claims Act | <p><b>Criminal and Civil Penalties for False Claims and Statements</b></p> <p>Other Helpful Information About Medicaid Fraud &amp; Reporting Fraud<br/><a href="https://www.hsd.state.nm.us/lookingforassistance/report_fraud/">https://www.hsd.state.nm.us/lookingforassistance/report_fraud/</a><br/><a href="https://www.hsd.state.nm.us/about_the_department/office_of_inspector_general/">https://www.hsd.state.nm.us/about_the_department/office_of_inspector_general/</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

| State /Citation                                                                                                                                                                                                                  | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| <p>N.M. Stat. Ann. § 27-14- 1 <i>et seq.</i></p> <p>New Mexico/ This act [44-9-1 to 44-9-14 <i>NMSA</i> 1978] may be cited as the "Fraud Against Taxpayers Act".</p> <p>Medicaid Fraud Act<br/>N.M. Stat. Ann. § 30-44-1 - 8</p> | <p>N.M. Stat. Ann. § 27-14-1<br/>Short title - "<b>Medicaid False Claims Act</b>".</p> <p><b>N.M. Stat. Ann. § 27-14-2 - Purpose</b><br/>The purpose of the Medicaid False Claims Act [<a href="#">27-14-1 NMSA</a> 1978] is to deter persons from causing or assisting to cause the state to pay medicaid claims that are false and to provide remedies for obtaining treble damages and civil recoveries for the state when money is obtained from the state by reason of a false claim.<br/><b>HISTORY:</b> <a href="#">Laws 2004, ch. 49, § 2.</a></p> <p><b>N.M. Stat. Ann. § 27-14-3 - Definitions</b></p> <p><b>§ 27-14-3. Definitions</b><br/><a href="#">Currentness</a><br/>&lt;This version of section effective July 1, 2024. See, also, version of <a href="#">section 27-14-3</a> effective until July 1, 2024.&gt;<br/>As used in the Medicaid False Claims Act:<br/>A. “claim” means a written or electronically submitted request for payment of health care services pursuant to the medicaid program;<br/>B. “department” or “authority” means the health care authority;<br/>C. “medicaid” means the federal-state program administered by the health care authority pursuant to Title 19 or Title 21 of the federal Social Security Act;<br/>D. “medicaid recipient” means a person on whose behalf a person claims or receives a payment from the medicaid program, regardless of whether the person was eligible for the medicaid program; and<br/>E. “qui tam” means an action brought under a statute that allows a private person to sue for a recovery, part of which the state will receive.</p> <p><b>Credits</b><br/><a href="#">L. 2004, Ch. 49, § 3; L. 2024, Ch. 39, § 119, eff. July 1, 2024.</a></p> <p><b>N.M. Stat. Ann. § 27-14-4 - False claims against the state; liability for certain acts</b></p> <p>A person commits an unlawful act and shall be liable to the state for three times the amount of damages that the state sustains as a result of the act if the person:</p> <p>A. presents, or causes to be presented, to the state a claim for payment under the Medicaid program knowing that such claim is false or fraudulent;</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|                 | <p>B. presents, or causes to be presented, to the state a claim for payment under the Medicaid program knowing that the person receiving a Medicaid benefit or payment is not authorized or is not eligible for a benefit under the Medicaid program;</p> <p>C. makes, uses or causes to be made or used a record or statement to obtain a false or fraudulent claim under the Medicaid program paid for or approved by the state knowing such record or statement is false;</p> <p>D. conspires to defraud the state by getting a claim allowed or paid under the Medicaid program knowing that such claim is false or fraudulent;</p> <p>E. makes, uses or causes to be made or used a record or statement to conceal, avoid or decrease an obligation to pay or transmit money or property to the state, relative to the Medicaid program, knowing that such record or statement is false;</p> <p>F. knowingly applies for and receives a benefit or payment on behalf of another person, except pursuant to a lawful assignment of benefits, under the Medicaid program and converts that benefit or payment to his own personal use;</p> <p>G. knowingly makes a false statement or misrepresentation of material fact concerning the conditions or operation of a health care facility in order that the facility may qualify for certification or recertification required by the Medicaid program; or</p> <p>H. knowingly makes a claim under the Medicaid program for a service or product that was not provided.</p> <p><b>HISTORY:</b> <a href="#">Laws 2004, ch. 49, § 4.</a></p> <p><b><i>N.M. Stat. Ann. § 27-14-6 - Immunity</i></b></p> <p>Notwithstanding any other law, a person is not civilly or criminally liable for providing access to documentary material pursuant to the Medicaid False Claims Act [27-14-1 NMSA 1978] to a person identified in Subsection B of Section 5 [27-14-5 NMSA 1978] of that act.</p> <p><b>HISTORY:</b> Laws 2004, ch. 49, § 6</p> <p>N.M. Stat. Ann. § 44-9-1<br/>Short title - "<b>Fraud Against Taxpayers Act</b>".</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|                 | <p><b>N.M. Stat. Ann. § 44-9-2 - Definitions</b></p> <p>As used in the Fraud Against Taxpayers Act:</p> <p><b>A.</b> "claim" means a request or demand for money, property or services when all or a portion of the money, property or services requested or demanded issues from or is provided or reimbursed by the state or a political subdivision;</p> <p><b>B.</b> "employer" includes an individual, corporation, firm, association, business, partnership, organization, trust, charter school and the state and any of its agencies, institutions or political subdivisions;</p> <p><b>C.</b> "knowingly" means that a person, with respect to information, acts:</p> <p><b>(1)</b> with actual knowledge of the truth or falsity of the information;</p> <p><b>(2)</b> in deliberate ignorance of the truth or falsity of the information; or</p> <p><b>(3)</b> in reckless disregard of the truth or falsity of the information;</p> <p><b>D.</b> "person" means an individual, corporation, firm, association, organization, trust, business, partnership, limited liability company, joint venture or any legal or commercial entity;</p> <p><b>E.</b> "political subdivision" means a political subdivision of the state or a charter school; and</p> <p><b>F.</b> "state" means the state of New Mexico or any of its branches, agencies, departments, boards, commissions, officers, institutions or instrumentalities, including the New Mexico finance authority, the New Mexico mortgage finance authority and the New Mexico lottery authority.</p> <p><b>HISTORY:</b> <a href="#">Laws 2007, ch. 40, § 2</a>; <a href="#">2015, ch. 128, § 1</a>.</p> <p><b>N.M. Stat. Ann. § 44-9-3 - False claims; liability; penalties; exception</b></p> <p><b>A.</b> A person shall not:</p> <p><b>(1)</b> knowingly present, or cause to be presented, to an employee, officer or agent of the state or a political subdivision or to a contractor, grantee or other</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                 | <p>recipient of state or political subdivision funds a false or fraudulent claim for payment or approval;</p> <p>(2) knowingly make or use, or cause to be made or used, a false, misleading or fraudulent record or statement to obtain or support the approval of or the payment on a false or fraudulent claim;</p> <p>(3) conspire to defraud the state or a political subdivision by obtaining approval or payment on a false or fraudulent claim;</p> <p>(4) conspire to make, use or cause to be made or used, a false, misleading or fraudulent record or statement to conceal, avoid or decrease an obligation to pay or transmit money or property to the state or a political subdivision;</p> <p>(5) when in possession, custody or control of property or money used or to be used by the state or a political subdivision, knowingly deliver or cause to be delivered less property or money than the amount indicated on a certificate or receipt;</p> <p>(6) when authorized to make or deliver a document certifying receipt of property used or to be used by the state or a political subdivision, knowingly make or deliver a receipt that falsely represents a material characteristic of the property;</p> <p>(7) knowingly buy, or receive as a pledge of an obligation or debt, public property from any person that may not lawfully sell or pledge the property;</p> <p>(8) knowingly make or use, or cause to be made or used, a false, misleading or fraudulent record or statement to conceal, avoid or decrease an obligation to pay or transmit money or property to the state or a political subdivision; or</p> <p>(9) as a beneficiary of an inadvertent submission of a false claim and having subsequently discovered the falsity of the claim, fail to disclose the false claim to the state or political subdivision within a reasonable time after discovery.</p> <p><b>B.</b> Proof of specific intent to defraud is not required for a violation of Subsection A of this section.</p> <p><b>C.</b> A person who violates Subsection A of this section shall be liable for:</p> <p>(1) three times the amount of damages sustained by the state or political subdivision because of the violation;</p> <p>(2) a civil penalty of not less than five thousand dollars (\$ 5,000) and not more than ten thousand dollars (\$ 10,000) for each violation;</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|                 | <p>(3) the costs of a civil action brought to recover damages or penalties; and</p> <p>(4) reasonable attorney fees, including the fees of the attorney general, state agency or political subdivision counsel.</p> <p>D. A court may assess not less than two times the amount of damages sustained by the state or a political subdivision if the court finds all of the following:</p> <p>(1) the person committing the violation furnished the attorney general or political subdivision with all information known to that person about the violation within thirty days after the date on which the person first obtained the information;</p> <p>(2) at the time that the person furnished the attorney general or political subdivision with information about the violation, a criminal prosecution, civil action or administrative action had not been commenced with respect to the violation, and the person did not have actual knowledge of the existence of an investigation into the violation; and</p> <p>(3) the person fully cooperated with any investigation by the attorney general or political subdivision.</p> <p>E. This section does not apply to claims, records or statements made pursuant to the provisions of Chapter 7 NMSA 1978.</p> <p><b>HISTORY:</b> <a href="#">Laws 2007, ch. 40, § 3</a>; <a href="#">2015, ch. 128, § 2</a>.</p> <p><b>N.M. Stat. Ann. § 44-9-13 - Joint and several liability</b></p> <p>Liability shall be joint and several for any act committed by two or more persons in violation of the Fraud Against Taxpayers Act [44-9-1 NMSA 1978].</p> <p><b>HISTORY:</b> Laws 2007, ch. 40, § 13.</p> <p><b>N.M. Stat. Ann. § 30-40-1 - Failing to disclose facts or change of circumstances to obtain public assistance</b></p> <p>A. Failing to disclose facts or change of circumstances to obtain public assistance consists of a person knowingly failing to disclose a material fact known to be necessary to determine eligibility for public assistance or knowingly failing to disclose a change in circumstances for the purpose of obtaining or continuing to receive public assistance to which the person is not entitled or in amounts greater than that to which the person is entitled.</p> <p>B. Whoever commits failing to disclose facts or change of circumstances to obtain public assistance when the value of the assistance wrongfully received is</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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|                 | <p>two hundred fifty dollars (\$ 250) or less in any twelve consecutive months is guilty of a petty misdemeanor.</p> <p>C. Whoever commits failing to disclose facts or change of circumstances to obtain public assistance when the value of the assistance wrongfully received is more than two hundred fifty dollars (\$ 250) but not more than five hundred dollars (\$ 500) in any twelve consecutive months is guilty of a misdemeanor.</p> <p>D. Whoever commits failing to disclose facts or change of circumstances to obtain public assistance when the value of the assistance wrongfully received is more than five hundred dollars (\$ 500) but not more than two thousand five hundred dollars (\$ 2,500) in any twelve consecutive months is guilty of a fourth degree felony.</p> <p>E. Whoever commits failing to disclose facts or change of circumstances to obtain public assistance when the value of the assistance wrongfully received is more than two thousand five hundred dollars (\$ 2,500) but not more than twenty thousand dollars (\$ 20,000) in any twelve consecutive months is guilty of a third degree felony.</p> <p>F. Whoever commits failing to disclose facts or change of circumstances to obtain public assistance when the value of the assistance wrongfully received exceeds twenty thousand dollars (\$ 20,000) in any twelve consecutive months is guilty of a second degree felony.</p> <p><b>HISTORY:</b> Laws 1979, ch. 170, § 1; 1987, ch. 121, § 12; <a href="#">2006, ch. 29, § 18</a>.</p> <p><b>N.M. Stat. Ann. § 30-40-2 - Unlawful use of food stamp identification card or medical identification card</b></p> <p>A. Unlawful use of food stamp identification card or medical identification card consists of the use of a food stamp or medical identification card by a person to whom it has not been issued, or who is not an authorized representative of the person to whom it has been issued, for a food stamp allotment.</p> <p>B. Whoever commits unlawful use of food stamp identification card or medical identification card when the value of the food stamps or medical services wrongfully received is two hundred fifty dollars (\$ 250) or less is guilty of a petty misdemeanor.</p> <p>C. Whoever commits unlawful use of food stamp identification card or medical identification card when the value of the food stamps or medical services wrongfully received is more than two hundred fifty dollars (\$ 250) but not more than five hundred dollars (\$ 500) is guilty of a misdemeanor.</p> <p>D. Whoever commits unlawful use of food stamp identification card or medical identification card when the value of the food stamps or medical services wrongfully received is more than five hundred dollars (\$ 500) but not more than two thousand five hundred dollars (\$ 2,500) is guilty of a fourth degree</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|                 | <p>felony.</p> <p>E. Whoever commits unlawful use of food stamp identification card or medical identification card when the value of the food stamps or medical services wrongfully received is more than two thousand five hundred dollars (\$ 2,500) but not more than twenty thousand dollars (\$ 20,000) is guilty of a third degree felony.</p> <p>F. Whoever commits unlawful use of food stamp identification card or medical identification card when the value of the food stamps or medical services wrongfully received exceeds twenty thousand dollars (\$ 20,000) is guilty of a second degree felony.</p> <p>G. For the purpose of this section, the value of the medical assistance received is the amount paid by the human services department for medical services received through use of the medical identification card.</p> <p><b>HISTORY:</b> Laws 1979, ch. 170, § 2; 1987, ch. 121, § 13; <a href="#">2006, ch. 29, § 19</a>.</p> <p><b>N.M. Stat. Ann. § 30-40-3 - Misappropriating public assistance</b></p> <p>A. Misappropriating public assistance consists of a public officer or public employee fraudulently misappropriating, attempting to misappropriate or aiding and abetting in the misappropriation of food stamp coupons, WIC checks pertaining to the special supplemental food program for women, infants and children administered by the human services department, food stamp or medical identification cards, public assistance benefits or funds received in exchange for food stamp coupons.</p> <p>B. Whoever commits misappropriating public assistance when the value of the thing misappropriated is two hundred fifty dollars (\$ 250) or less is guilty of a petty misdemeanor.</p> <p>C. Whoever commits misappropriating public assistance when the value of the thing misappropriated is more than two hundred fifty dollars (\$ 250) but not more than five hundred dollars (\$ 500) is guilty of a misdemeanor.</p> <p>D. Whoever commits misappropriating public assistance when the value of the thing misappropriated is more than five hundred dollars (\$ 500) but not more than two thousand five hundred dollars (\$ 2,500) is guilty of a fourth degree felony.</p> <p>E. Whoever commits misappropriating public assistance when the value of the thing misappropriated is more than two thousand five hundred dollars (\$ 2,500) but not more than twenty thousand dollars (\$ 20,000) is guilty of a third degree felony.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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|                 | <p>F. Whoever commits misappropriating public assistance when the value of the thing misappropriated exceeds twenty thousand dollars (\$ 20,000) is guilty of a second degree felony.</p> <p>G. Whoever commits misappropriating public assistance when the item misappropriated is a food stamp or medical identification card is guilty of a fourth degree felony.<br/><b>HISTORY:</b> Laws 1979, ch. 170, § 3; 1987, ch. 121, § 14; <a href="#">2006, ch. 29, § 20</a>.</p> <p><b>N.M. Stat. Ann. § 30-40-4 - Making or permitting a false claim for reimbursement for public assistance services</b></p> <p>A. Making or permitting a false claim for reimbursement of public assistance services consists of knowingly making, causing to be made or permitting to be made a claim for reimbursement for services provided to a recipient of public assistance for services not rendered or making a false material statement or forged signature upon any claim for services, with intent that the claim shall be relied upon for the expenditure of public money.</p> <p>B. Whoever commits making or permitting a false claim for reimbursement for public assistance services is guilty of a fourth degree felony.<br/><b>HISTORY:</b> Laws 1979, ch. 170, § 4.</p> <p><b>N.M. Stat. Ann. § 30-40-5 - Unlawful seeking [of] payment from public assistance recipients</b></p> <p>A. Unlawful seeking [of] payment from public assistance recipients consists of knowingly seeking payment from recipients or their families for any unpaid portion of a bill for which reimbursement has been or will be received from the human services department or for claims or services denied by the human services department because of provider [the provider's] administrative error.</p> <p>B. Whoever commits unlawful seeking [of] payment from [a] public assistance recipient is guilty of a misdemeanor.<br/><b>HISTORY:</b> Laws 1979, ch. 170, § 5.</p> <p><b>N.M. Stat. Ann. § 30-40-6 - Failure to reimburse the human services department upon receipt of third party payment</b></p> <p>A. Failure to reimburse the human services department upon receipt of third party payment consists of knowing failure by a Medicaid provider to reimburse the human services department or the department's fiscal agent the amount of payment received from the department for services when the provider</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|                 | <p>receives payment for the same services from a third party.</p> <p>B. A Medicaid provider who commits failure to reimburse the human services department upon receipt of third party payment when the value of the payment made by the department is two hundred fifty dollars (\$ 250) or less is guilty of a petty misdemeanor.</p> <p>C. A Medicaid provider who commits failure to reimburse the human services department upon receipt of third party payment when the value of the payment made by the department is more than two hundred fifty dollars (\$ 250) but not more than five hundred dollars (\$ 500) is guilty of a misdemeanor.</p> <p>D. A Medicaid provider who commits failure to reimburse the human services department upon receipt of third party payment when the value of the payment made by the department is more than five hundred dollars (\$ 500) but not more than two thousand five hundred dollars (\$ 2,500) is guilty of a fourth degree felony.</p> <p>E. A Medicaid provider who commits failure to reimburse the human services department upon receipt of third party payment when the value of the payment made by the department is more than two thousand five hundred dollars (\$ 2,500) but not more than twenty thousand dollars (\$ 20,000) is guilty of a third degree felony.</p> <p>F. A Medicaid provider who commits failure to reimburse the human services department upon receipt of third party payment when the value of the payment made by the department exceeds twenty thousand dollars (\$ 20,000) is guilty of a second degree felony.<br/><b>HISTORY:</b> Laws 1979, ch. 170, § 6; 1987, ch 121, § 15; <a href="#">2006, ch. 29, § 21</a>.</p> <p><b>N.M. Stat. Ann. § 30-40-7 - Failure to notify the department of receipt of anything of value from public assistance recipient</b></p> <p>Any employee of the human services department who knowingly receives anything of value, other than as provided by law, from either a recipient of public assistance or from the family of a public assistance recipient shall notify the department within ten days after such receipt on a form provided by the department. Whoever fails to so notify the department within ten days is guilty of a petty misdemeanor.<br/><b>HISTORY:</b> Laws 1979, ch. 170, § 7.</p> <p>N.M. Stat. Ann. § 30-44-1<br/>Short title - "<b>Medicaid Fraud Act</b>".</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|                 | <p>N.M. Stat. Ann. § 30-44-2 - § 30-44-2. Definitions</p> <p>As used in the Medicaid Fraud Act [<u>30-44-1 NMSA</u> 1978] this article]:</p> <p>A. "benefit" means money, treatment, services, goods or anything of value authorized under the program;</p> <p>B. "claim" means any communication, whether oral, written, electronic or magnetic, that identifies a treatment, good or service as reimbursable under the program;</p> <p>C. "cost document" means any cost report or similar document that states income or expenses and is used to determine a cost reimbursement based rate of payment for a provider under the program;</p> <p>D. "covered person" means an individual who is entitled to receive health care benefits from a managed health care plan;</p> <p>E. "department" means the human services department;</p> <p>F. "entity" means a person other than an individual and includes corporations, partnerships, associations, joint-stock companies, unions, trusts, pension funds, unincorporated organizations, governments and political subdivisions thereof and nonprofit organizations;</p> <p>G. "great physical harm" means physical harm of a type that causes physical loss of a bodily member or organ or functional loss of a bodily member or organ for a prolonged period of time;</p> <p>H. "great psychological harm" means psychological harm that causes mental or emotional incapacitation for a prolonged period of time or that causes extreme behavioral change or severe physical symptoms or that requires psychological or psychiatric care;</p> <p>I. "health care official" means:</p> <p>(1) an administrator, officer, trustee, fiduciary, custodian, counsel, agent or employee of a managed care health plan;</p> <p>(2) an officer, counsel, agent or employee of an organization that provides, proposes to or contracts to provide services to a managed health care plan; or</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|                 | <p>(3) an official, employee or agent of a state or federal agency with regulatory or administrative authority over a managed health care plan;</p> <p>J. "managed health care plan" means a government-sponsored health benefit plan that requires a covered person to use, or creates incentives, including financial incentives, for a covered person to use health care providers managed, owned, under contract with or employed by a health care insurer or provider service network. A "managed health care plan" includes the health care services offered by a health maintenance organization, preferred provider organization, health care insurer, provider service network, entity or person that contracts to provide or provides goods or services that are reimbursed by or are a required benefit of a state or federally funded health benefit program, or any person or entity who contracts to provide goods or services to the program;</p> <p>K. "person" includes individuals, corporations, partnerships and other associations;</p> <p>L. "physical harm" means an injury to the body that causes pain or incapacitation;</p> <p>M. "program" means the medical assistance program authorized under Title XIX of the federal Social Security Act, <u>42 U.S.C. 1396</u>, et seq. and implemented under <u>Section 27-2-12 NMSA</u> 1978;</p> <p>N. "provider" means any person who has applied to participate or who participates in the program as a supplier of treatment, services or goods;</p> <p>O. "psychological harm" means emotional or psychological damage of such a nature as to cause fear, humiliation or distress or to impair a person's ability to enjoy the normal process of his life;</p> <p>P. "recipient" means any individual who receives or requests benefits under the program;</p> <p>Q. "records" means any medical or business documentation, however recorded, relating to the treatment or care of any recipient, to services or goods provided to any recipient or to reimbursement for treatment, services or goods, including any documentation required to be retained by regulations of the program; and</p> <p>R. "unit" means the medicaid fraud control unit or any other agency with power to investigate or prosecute fraud and abuse of the program.</p> <p><b>HISTORY:</b> <u>Laws 1989, ch. 286, § 2; 1997, ch. 98, § 2.</u></p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|                 | <p>N.M. Stat. Ann. § 30-44-3 - Power to investigate and enforce civil remedies and prosecute criminal actions</p> <p>A. The attorney general, the district attorneys, the unit and the department have the power and authority to investigate violations of the Medicaid Fraud Act [<a href="#">30-44-1 NMSA</a> 1978] and bring actions to enforce the civil remedies established in the Medicaid Fraud Act.</p> <p>B. The attorney general, the district attorneys and those attorneys who are employees of the unit to whom the attorney general or a district attorney has, by appointment made through a joint powers agreement or other agreement for that purpose, delegated criminal prosecutorial responsibility, shall have the power and authority to prosecute persons for the violation of criminal provisions of the Medicaid Fraud Act [<a href="#">30-44-1 NMSA</a> 1978] and for criminal offenses that are not defined in the Medicaid Fraud Act, but that involve or are directly related to the use of medicaid program funds or services provided through medicaid programs.</p> <p><b>HISTORY:</b> <a href="#">Laws 1989, ch. 286, § 3</a>; <a href="#">1991, ch. 79, § 1</a>.</p> <p><b>N.M. Stat. Ann. § 30-44-4 - Falsification of documents; defined; penalties</b></p> <p>A. Falsification of documents consists of:</p> <p>(1) knowingly making or causing to be made a misrepresentation of a material fact required to be furnished under the program or knowingly failing or causing the failure to include a material fact required to be furnished under the program in any record required to be retained in connection with the program pursuant to the Medicaid Fraud Act [<a href="#">30-44-1 NMSA</a> 1978] or regulations issued by the department for the administration of the program, or both; or</p> <p>(2) knowingly submitting or causing to be submitted false or incomplete information for the purpose of receiving benefits or qualifying as a provider.</p> <p>B. Whoever commits the crime of falsification of documents is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of <i>Section 31-18-15 NMSA</i> 1978.</p> <p><b>HISTORY:</b> <a href="#">Laws 1989, ch. 286, § 4</a>.</p> <p><b>N.M. Stat. Ann. § 30-44-5 - Failure to retain records; defined; penalties</b></p> <p>A. Whoever receives payment for treatment, services or goods under the program shall retain all medical and business records relating to:</p> <p>(1) the treatment or care of any recipient;</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|                 | <p>(2) services or goods provided to any recipient;</p> <p>(3) rates paid by the department under the program on behalf of any recipient; and</p> <p>(4) any records required to be maintained by regulation of the department for administration of the program.</p> <p>B. Failure to retain records consists of intentionally failing to retain the records specified in Subsection A of this section for a period of at least five years from the date payment was received or knowingly destroying or causing those records to be destroyed within five years from the date payment was received.</p> <p>C. Whoever commits the crime of failure to retain records:</p> <p>(1) is guilty of a misdemeanor if the treatment, services or goods for which records were not retained amounts to not more than one thousand dollars (\$ 1,000) and shall be sentenced pursuant to <i>Section 31-19-1 NMSA</i> 1978;</p> <p>(2) is guilty of a fourth degree felony if the value of the treatment, services or goods for which records were not retained is more than one thousand dollars (\$ 1,000) and shall be sentenced pursuant to the provisions of Section 13-18-15 NMSA 1978; and</p> <p>(3) is guilty of a misdemeanor if the records not retained were used in whole or in part to determine a rate of payment under the program and shall be sentenced pursuant to <i>Section 31-19-1 NMSA</i> 1978.</p> <p><b>HISTORY:</b> <a href="#">Laws 1989, ch. 286, § 5</a>.</p> <p><b>N.M. Stat. Ann. § 30-44-6 - Obstruction of investigation; defined; penalty</b></p> <p>A. Obstruction of investigation consists of:</p> <p>(1) knowingly providing false information to, or knowingly withholding information from, any person authorized under the Medicaid Fraud Act [<i>30-44-1 NMSA</i> 1978] to investigate violations of that act or to enforce the criminal or civil remedies of that act where that information is material to the investigation or enforcement; or</p> <p>(2) knowingly altering any document or record required to be retained pursuant to the Medicaid Fraud Act [<i>30-44-1 NMSA</i> 1978] or any regulation issued</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|                 | <p>by the department, or both, when the alteration is intended to mislead an investigation and concerns information material to that investigation.</p> <p>B. Whoever commits obstruction of investigation is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of <i>Section 31-18-15 NMSA 1978</i>.</p> <p><b>HISTORY:</b> <a href="#">Laws 1989, ch. 286, § 6</a>.</p> <p><b>N.M. Stat. Ann. § 30-44-7 - Medicaid fraud; defined; investigation; penalties</b></p> <p>A. Medicaid fraud consists of:</p> <p>(1) paying, soliciting, offering or receiving:</p> <p>(a) a kickback or bribe in connection with the furnishing of treatment, services or goods for which payment is or may be made in whole or in part under the program, including an offer or promise to, or a solicitation or acceptance by, a health care official of anything of value with intent to influence a decision or commit a fraud affecting a state or federally funded or mandated managed health care plan;</p> <p>(b) a rebate of a fee or charge made to a provider for referring a recipient to a provider;</p> <p>(c) anything of value, intending to retain it and knowing it to be in excess of amounts authorized under the program, as a precondition of providing treatment, care, services or goods or as a requirement for continued provision of treatment, care, services or goods; or</p> <p>(d) anything of value, intending to retain it and knowing it to be in excess of the rates established under the program for the provision of treatment, services or goods;</p> <p>(2) providing with intent that a claim be relied upon for the expenditure of public money:</p> <p>(a) treatment, services or goods that have not been ordered by a treating physician;</p> <p>(b) treatment that is substantially inadequate when compared to generally recognized standards within the discipline or industry; or</p> <p>(c) merchandise that has been adulterated, debased or mislabeled or is outdated;</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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|                 | <p>(3) presenting or causing to be presented for allowance or payment with intent that a claim be relied upon for the expenditure of public money any false, fraudulent, excessive, multiple or incomplete claim for furnishing treatment, services or goods; or</p> <p>(4) executing or conspiring to execute a plan or action to:</p> <p>(a) defraud a state or federally funded or mandated managed health care plan in connection with the delivery of or payment for health care benefits, including engaging in any intentionally deceptive marketing practice in connection with proposing, offering, selling, soliciting or providing any health care service in a state or federally funded or mandated managed health care plan; or</p> <p>(b) obtain by means of false or fraudulent representation or promise anything of value in connection with the delivery of or payment for health care benefits that are in whole or in part paid for or reimbursed or subsidized by a state or federally funded or mandated managed health care plan. This includes representations or statements of financial information, enrollment claims, demographic statistics, encounter data, health services available or rendered and the qualifications of persons rendering health care or ancillary services.</p> <p>B. Except as otherwise provided for in this section regarding the payment of fines by an entity, whoever commits Medicaid fraud as described in Paragraph (1) or (3) of Subsection A of this section is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of <i>Section 31-18-15 NMSA 1978</i>.</p> <p>C. Except as otherwise provided for in this section regarding the payment of fines by an entity, whoever commits Medicaid fraud as described in Paragraph (2) or (4) of Subsection A of this section when the value of the benefit, treatment, services or goods improperly provided is:</p> <p>(1) not more than one hundred dollars (\$ 100) is guilty of a petty misdemeanor and shall be sentenced pursuant to the provisions of <i>Section 31-19-1 NMSA 1978</i>;</p> <p>(2) more than one hundred dollars (\$ 100) but not more than two hundred fifty dollars (\$ 250) is guilty of a misdemeanor and shall be sentenced pursuant to the provisions of <i>Section 31-19-1 NMSA 1978</i>;</p> <p>(3) more than two hundred fifty dollars (\$ 250) but not more than two thousand five hundred dollars (\$ 2,500) is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of <i>Section 31-18-15 NMSA 1978</i>;</p> <p>(4) more than two thousand five hundred dollars (\$ 2,500) but not more than twenty thousand dollars (\$ 20,000) shall be guilty of a third degree felony and</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|                 | <p>shall be sentenced pursuant to the provisions of <i>Section 31-18-15 NMSA</i> 1978; and</p> <p>(5) more than twenty thousand dollars (\$ 20,000) shall be guilty of a second degree felony and shall be sentenced pursuant to the provisions of <i>Section 31-18-15 NMSA</i> 1978.</p> <p>D. Except as otherwise provided for in this section regarding the payment of fines by an entity, whoever commits Medicaid fraud when the fraud results in physical harm or psychological harm to a recipient is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of <i>Section 31-18-15 NMSA</i> 1978.</p> <p>E. Except as otherwise provided for in this section regarding the payment of fines by an entity, whoever commits Medicaid fraud when the fraud results in great physical harm or great psychological harm to a recipient is guilty of a third degree felony and shall be sentenced pursuant to the provisions of <i>Section 31-18-15 NMSA</i> 1978.</p> <p>F. Except as otherwise provided for in this section regarding the payment of fines by an entity, whoever commits Medicaid fraud when the fraud results in death to a recipient is guilty of a second degree felony and shall be sentenced pursuant to the provisions of <i>Section 31-18-15 NMSA</i> 1978.</p> <p>G. If the person who commits Medicaid fraud is an entity rather than an individual, the entity shall be subject to a fine of not more than fifty thousand dollars (\$ 50,000) for each misdemeanor and not more than two hundred fifty thousand dollars (\$ 250,000) for each felony.</p> <p>H. The unit shall coordinate with the human services department, department of health and children, youth and families department to develop a joint protocol establishing responsibilities and procedures, including prompt and appropriate referrals and necessary action regarding allegations of program fraud, to ensure prompt investigation of suspected fraud upon the Medicaid program by any provider. These departments shall participate in the joint protocol and enter into a memorandum of understanding defining procedures for coordination of investigations of fraud by Medicaid providers to eliminate duplication and fragmentation of resources. The memorandum of understanding shall further provide procedures for reporting to the legislative finance committee the results of all investigations every calendar quarter. The unit shall report to the legislative finance committee a detailed disposition of recoveries and distribution of proceeds every calendar quarter.</p> <p><b>HISTORY:</b> <a href="#">Laws 1989, ch. 286, § 7</a>; <a href="#">1997, ch. 98, § 3</a>; <a href="#">2003, ch. 291, § 1</a>.</p> <p><b>N.M. Stat. Ann. § 30-44-8 - Civil penalties; created; enumerated; presumption; limitation of action</b></p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|                 | <p>A. Any person who receives payment for furnishing treatment, services or goods under the program, which payment the person is not entitled to receive by reason of a violation of the Medicaid Fraud Act [30-44-1 NMSA 1978], shall, in addition to any other penalties or amounts provided by law, be liable for:</p> <p>(1) payment of interest on the amount of the excess payments at the maximum legal rate in effect on the date the payment was made, for the period from the date payment was made to the date of repayment to the state;</p> <p>(2) a civil penalty in an amount of up to three times the amount of excess payments;</p> <p>(3) payment of a civil penalty of up to ten thousand dollars (\$ 10,000) for each false or fraudulent claim submitted or representation made for providing treatment, services or goods; and</p> <p>(4) payment of legal fees and costs of investigation and enforcement of civil remedies.</p> <p>B. Interest amounts, legal fees and costs of enforcement of civil remedies assessed under this section shall be remitted to the state treasurer for deposit in the general fund.</p> <p>C. Any penalties and costs of investigation recovered on behalf of the state shall be remitted to the state treasurer for deposit in the general fund except an amount not to exceed two hundred fifty thousand dollars (\$ 250,000) in fiscal year 2004, one hundred twenty-five thousand dollars (\$ 125,000) in fiscal year 2005 and seventy-five thousand dollars (\$ 75,000) in fiscal year 2006 may be retained by the unit and expended, consistent with federal regulations and state law, for the purpose of carrying out the unit's duties.</p> <p>D. A criminal action need not be brought against a person as a condition precedent to enforcement of civil liability under the Medicaid Fraud Act [30-44-1 NMSA 1978].</p> <p>E. The remedies under this section are separate from and cumulative to any other administrative and civil remedies available under federal or state law or regulation.</p> <p>F. The department may adopt regulations for the administration of the civil penalties contained in this section.</p> <p>G. No action under this section shall be brought after the expiration of five years from the date the action accrues.</p> <p><b>HISTORY:</b> <a href="#">Laws 1989, ch. 286, § 8</a>; <a href="#">1997, ch. 98, § 4</a>; <a href="#">2004, ch. 54, § 1</a>.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|                 | <p data-bbox="443 219 833 251"><b>Qui Tam Actions &amp; Remedies</b></p> <p data-bbox="443 259 1155 292"><b>N.M. Stat. Ann. § 27-14-7 - Civil action for false claims</b></p> <p data-bbox="443 332 2446 414">A. The department shall diligently investigate suspected violations. If the department finds that a person has violated or is violating the provisions of the Medicaid False Claims Act [27-14-1 NMSA 1978], the department may bring a civil action pursuant to Subsection F of this section.</p> <p data-bbox="443 430 2446 544">B. A private civil action may be brought by an affected person for a violation of the Medicaid False Claims Act [27-14-1 NMSA 1978] on behalf of the person bringing suit and for the state. The action shall be brought in the name of the state. The action may be dismissed if the court and the department, pursuant to Subsection F of this section, give written consent to the dismissal and their reasons for consenting.</p> <p data-bbox="443 560 2499 787">C. For private civil actions, a copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the department. The complaint shall be filed in writing and shall remain under seal for at least sixty days. The complaint shall not be served on the defendant until the expiration of sixty days or any extension approved. Within sixty days after receiving a copy of the complaint, the department shall conduct an investigation of the factual allegations and legal contentions made in the complaint, shall make a written determination of whether there is substantial evidence that a violation has occurred and shall provide the person against which a complaint has been made with a copy of the determination. If the department determines that there is not substantial evidence that a violation has occurred, the complaint shall be dismissed.</p> <p data-bbox="443 803 2472 966">D. The department may, for good cause shown, move the court for extensions of time during which the complaint remains under seal. Any such motion may be supported by affidavits or other submissions in camera. The defendant shall not be required to respond to a complaint filed pursuant to this section until twenty days after the complaint is unsealed and served to the defendant. The complaint shall be deemed unsealed at the expiration of the sixty-day period in the absence of a court-approved extension.</p> <p data-bbox="443 982 2298 1015">E. Before the expiration of the sixty-day period or any extensions obtained, the department, pursuant to Subsection F of this section, shall:</p> <p data-bbox="443 1031 1747 1063">(1) proceed with the action, in which case the action shall be conducted by the department; or</p> <p data-bbox="443 1079 2486 1209">(2) notify the court and the person who brought the action that it declines to take over the action, in which case the person bringing the action shall have the right to conduct the action if the department determined that there is substantial evidence that a violation of the Medicaid False Claims Act [27-14-1 NMSA 1978] has occurred.</p> <p data-bbox="443 1226 2486 1372">F. The department shall notify the attorney general prior to filing a civil action pursuant to the Medicaid False Claims Act [27-14-1 NMSA 1978] and shall not proceed with the action except with the written approval of the attorney general. The attorney general shall, within twenty working days from the notification by the department, notify the department whether it may proceed with the civil action. Failure by the attorney general to notify the department of its determination within the specified time period shall be construed as consent to proceed. The department shall, after filing the civil action, notify the</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|                 | <p>attorney general of any proposed dismissal or settlement and the department shall not proceed with the dismissal or settlement except with the written approval of the attorney general.</p> <p><b>HISTORY:</b> <a href="#">Laws 2004, ch. 49, § 7.</a></p> <p><b><i>N.M. Stat. Ann. § 27-14-8 - Rights of the parties to qui tam actions</i></b></p> <p>A. If the department proceeds with the action, it shall have the exclusive responsibility for prosecuting the action and shall not be bound by an act of the person bringing the action. The person bringing the action shall have the right to continue as a nominal party to the action and shall not have the right to participate in the litigation except as a witness.</p> <p>B. The department may dismiss the action, pursuant to Subsection F of Section 7 [27-14-7 NMSA 1978] of the Medicaid False Claims Act, notwithstanding the objections of the person bringing the action if the person has been notified by the department of the filing of the motion and the court has provided the person with an opportunity for a hearing on the motion.</p> <p>C. The department may settle the action with the defendant, pursuant to Subsection F of Section 7 [27-14-7 NMSA 1978] of the Medicaid False Claims Act, notwithstanding the objections of the person bringing the action if the court determines, after the hearing, that the proposed settlement is fair, adequate and reasonable under all the circumstances. Upon a showing of good cause, such hearing may be held in camera.</p> <p>D. If the state elects not to proceed with the action, the person bringing the action shall have the right to conduct the action. If the department requests, it shall be served with copies of the pleadings filed in the action and shall be supplied with copies of all deposition transcripts at the department's expense. When a person proceeds with the action, the court, without limiting the status and rights of the person bringing the action, may allow the department to intervene at a later date upon a showing of good cause.</p> <p>E. Whether or not the department proceeds with the action, upon a showing by the department that certain actions of discovery by the person bringing the action would interfere with the department's investigation or prosecution of a civil matter arising out of the same facts, the court may stay such discovery for a period not to exceed sixty days. Such a showing shall be conducted in camera. The court may extend the sixty-day period upon a further showing in camera that the department has pursued the civil investigation or proceedings with reasonable diligence and any proposed discovery in the civil action will interfere with the ongoing civil investigation or proceedings.</p> <p><b>HISTORY:</b> Laws 2004, ch. 49, § 8.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|                 | <p data-bbox="443 215 1158 248"><b>N.M. Stat. Ann. § 27-14-9 - Award to qui tam plaintiff</b></p> <p data-bbox="443 256 2499 673">A. If the department proceeds with an action brought by a person pursuant to the Medicaid False Claims Act [27-14-1 NMSA 1978], the person shall, subject to the limitations in this subsection, receive at least fifteen percent but not more than twenty-five percent of the proceeds of the action or settlement of the claim, depending upon the extent to which the person substantially contributed to the prosecution of the action. Where the action is one that the court finds to be based primarily on disclosures of specific information other than information provided by the party bringing the action relating to allegations or transactions in a criminal, civil or administrative hearing or from the news media, the court shall award a sum as it considers appropriate; provided that the sum does not exceed ten percent of the proceeds and takes into account the significance of the information and the role of the person bringing the action in advancing the case to litigation. A payment to a person pursuant to this subsection shall be made from the proceeds. The person shall also receive an amount for reasonable expenses that the court finds to have been necessarily incurred, plus reasonable attorney fees and costs. In determining the amount of reasonable attorney fees and costs, the court shall consider whether such fees and costs were necessary to the prosecution of the action, were incurred for activities that were duplicative of the activities of the department in prosecuting the case or were repetitious, irrelevant or for purposes of harassment or caused the defendant undue burden or unnecessary expense. All such expenses, fees and costs shall be awarded against the defendant.</p> <p data-bbox="443 698 2499 966">B. If the department does not proceed with an action pursuant to the Medicaid False Claims Act [27-14-1 NMSA 1978], the person bringing the action or settling the claim shall receive an amount that the court decides is reasonable for collecting the civil recovery and damages recoverable by the state. The amount shall be not less than twenty-five percent and not more than thirty percent of the proceeds of the action or settlement and shall be paid out of such proceeds. The person shall also receive an amount for reasonable expenses that the court finds to have been necessarily incurred, plus reasonable attorney fees and costs. In determining the amount of reasonable attorney fees and costs, the court shall consider whether such fees and costs were necessary to the prosecution of the action, were incurred for activities, which were repetitious, irrelevant or for purposes of harassment or caused the defendant undue burden or unnecessary expense. All such expenses, fees and costs shall be awarded against the defendant.</p> <p data-bbox="443 982 2499 1291">C. Whether or not the department proceeds with the action, if the court finds that the action was brought by a person who planned and initiated the violation upon which the action was brought, then the court may, to the extent the court considers appropriate, reduce the share of the proceeds of the action that the party would otherwise receive pursuant to Subsection A or B of this section, taking into account the role of that person in advancing the case to litigation and any relevant circumstances pertaining to the violation. If the person bringing the action is convicted of criminal conduct arising from the person's role in the violation of the Medicaid False Claims Act [27-14-1 NMSA 1978], that person shall be dismissed from the civil action and shall not receive any share of the proceeds of the action. Such dismissal shall not prejudice the right of the state to continue the action represented by the department. If the department does not proceed with the action and the person bringing the action conducts the action, the court may award to the defendant its reasonable attorney fees and costs if the defendant prevails in the action and the court finds that the claim of the party bringing the action was:</p> <p data-bbox="513 1307 951 1339">(1) filed for an improper purpose;</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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|                 | <p>(2) not warranted by existing law or by a nonfrivolous argument for the extension, modification or reversal of existing law or the establishment of new law; or</p> <p>(3) was based on allegations or factual contentions not supported.</p> <p><b>HISTORY:</b> <a href="#">Laws 2004, ch. 49, § 9.</a></p> <p><b>N.M. Stat. Ann. § 27-14-10 - Certain actions barred</b></p> <p>A. A court shall not have jurisdiction of an action brought pursuant to the Medicaid False Claims Act [27-14-1 NMSA 1978] against a department official if the action is substantially based on evidence or information known to the department when the action was brought.</p> <p>B. A person shall not bring an action pursuant to the Medicaid False Claims Act [27-14-1 NMSA 1978] that is substantially based upon allegations or transactions that are the subject of a civil suit or an administrative proceeding in which the department is already a party.</p> <p>C. A court shall not have jurisdiction over an action pursuant to the Medicaid False Claims Act [27-14-1 NMSA 1978] substantially based upon the public disclosure of allegations or actions in a criminal, civil or administrative hearing or from the news media, unless the action is brought by the department or the person bringing the action is an original source of the information. For the purposes of this subsection, "original source" means the person bringing suit that has independent knowledge, including knowledge based on the person's own investigation of the defendant's conduct, of the information on which the allegations are based and has voluntarily provided or verified the information on which the allegations are based or has voluntarily provided the information to the department before filing an action pursuant to this section that is based on the information.</p> <p><b>HISTORY:</b> Laws 2004, ch. 49, § 10.</p> <p><b>N.M. Stat. Ann. § 27-14-11 - Department not liable for certain expenses</b></p> <p>The department shall not be liable for expenses that a person incurs in bringing an action pursuant to the Medicaid False Claims Act [27-14-1 NMSA 1978].</p> <p><b>HISTORY:</b> Laws 2004, ch. 49, § 11</p> <p><b>N.M. Stat. Ann. § 27-14-13 - False claims and reporting procedure</b></p> <p>A. A civil action shall be brought within the limitations set forth in <i>Section 37-1-4 NMSA 1978</i>.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|                 | <p data-bbox="443 227 2499 300">B. In any action brought pursuant to the Medicaid False Claims Act [27-14-1 NMSA 1978], the department or the person bringing the action shall be required to prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.</p> <p data-bbox="443 316 2499 430">C. Notwithstanding any other provision of law, a final judgment rendered in favor of the department in any criminal proceeding charging fraud or false statements, whether upon a verdict after trial or upon a plea of guilty, shall preclude the defendant from denying the essential elements of the offense in any action that involves the same transaction as in the criminal proceeding and that is brought pursuant to the Medicaid False Claims Act [27-14-1 NMSA 1978].</p> <p data-bbox="443 479 887 511"><b>HISTORY:</b> Laws 2004, ch. 49, § 13.</p> <p data-bbox="443 552 1142 584"><b><i>N.M. Stat. Ann. § 27-14-14 - Application of other law</i></b></p> <p data-bbox="443 633 2499 738">The application of a civil remedy pursuant to this law does not preclude the application of other laws, statutes or regulatory remedy, except that a person may not be liable for a civil remedy pursuant to the Medicaid False Claims Act [27-14-1 NMSA 1978] and civil damages or recovery pursuant to the Medicaid Fraud Act [30-44-1 NMSA 1978] if the civil remedy and the civil damages or recoveries are assessed for the same conduct by another government agency.</p> <p data-bbox="443 787 887 820"><b>HISTORY:</b> Laws 2004, ch. 49, § 14.</p> <p data-bbox="443 860 994 893"><b>N.M. Stat. Ann. § 27-14-15 - Use of funds</b></p> <p data-bbox="443 901 2499 974">A. Damages collected pursuant to the Medicaid False Claims Act [<a href="#">27-14-1 NMSA</a> 1978] on behalf of the state shall be remitted to the state treasurer for deposit in the general fund to be used for the state's medicaid program.</p> <p data-bbox="443 982 2499 1055">B. Penalties, legal fees or costs of investigation recovered pursuant to the Medicaid False Claims Act [<a href="#">27-14-1 NMSA</a> 1978] on behalf of the state shall be remitted to the state treasurer for deposit in the general fund to be used for the state's medicaid program.</p> <p data-bbox="443 1063 2499 1128">C. Pursuant to Subsection C of <a href="#">Section 30-44-8 NMSA</a> 1978, penalties recovered pursuant to the Medicaid False Claims Act [<a href="#">27-14-1 NMSA</a> 1978] on behalf of the state may be claimed by the attorney general pursuant to procedures established by the department and the attorney general.</p> <p data-bbox="443 1136 887 1169"><b>HISTORY:</b> <a href="#">Laws 2004, ch. 49, § 15</a>.</p> <p data-bbox="443 1209 887 1242"><b>FRAUD AGAINST TAXPAYERS ACT</b></p> <p data-bbox="443 1250 1599 1282"><b><i>N.M. Stat. Ann. § 44-9-4 - Investigation by the attorney general; delegation; civil action</i></b></p> <p data-bbox="443 1291 2499 1356">A. The attorney general shall diligently investigate suspected violations of <a href="#">Section 44-9-3 NMSA 1978</a>, and if the attorney general finds that a person has violated or is violating that section, the attorney general may bring a civil action against that person pursuant to the Fraud Against Taxpayers Act.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|                 | <p>B. The attorney general may in appropriate cases delegate the authority to investigate or to bring a civil action to the state agency or political subdivision to which a false claim was made, and when this occurs, the state agency or political subdivision shall have every power conferred upon the attorney general pursuant to the Fraud Against Taxpayers Act. If the attorney general has delegated authority to a state agency <b>or political subdivision, all references to the attorney general in the Fraud Against Taxpayers Act shall apply to the delegee.</b></p> <p><b>Credits</b><br/>Added by <a href="#">L. 2007, Ch. 40, § 4, eff. July 1, 2007</a>. Amended by <a href="#">L. 2015, Ch. 128, § 3, eff. June 19, 2015</a>.</p> <p><b>N.M. Stat. Ann. § 44-9-5 -</b><br/><b>Civil action by qui tam plaintiff; state or political subdivision may intervene</b><br/><a href="#">Currentness</a></p> <p>A. A person may bring a civil action for a violation of <a href="#">Section 44-9-3 NMSA 1978</a> on behalf of the person and the state or political subdivision. The action shall be brought in the name of the state or political subdivision. The person bringing the action shall be referred to as the qui tam plaintiff. Once filed, the action may be dismissed only with the written consent of the court, taking into account the best interest of the parties involved and the public purposes behind the Fraud Against Taxpayers Act.</p> <p>B. A complaint filed by a qui tam plaintiff shall be filed in camera in district court and shall remain under seal for at least sixty days. No service shall be made on a defendant and no response is required from a defendant until the seal has been lifted and the complaint served pursuant to the rules of civil procedure.</p> <p>C. On the same day as the complaint is filed, the qui tam plaintiff shall serve the attorney general, and the political subdivision, if applicable, with a copy of the complaint and written disclosure of substantially all material evidence and information the qui tam plaintiff possesses. The attorney general on behalf of the state or the political subdivision, or the political subdivision on its own behalf, may intervene and proceed with the action within sixty days after receiving the complaint and the material evidence and information. Upon a showing of good cause and reasonable diligence in the state's or political subdivision's investigation, the state or political subdivision may move the court for an extension of time during which the complaint shall remain under seal.</p> <p>D. Before the expiration of the sixty-day period or any extensions of time granted by the court, the attorney general or political subdivision shall notify the court that the state or the political subdivision:</p> <p>(1) intends to intervene and proceed with the action; in which case, the seal shall be lifted and the action shall be conducted by the attorney general on behalf of the state or the political subdivision, or the political subdivision shall conduct the action on its own behalf; or</p> <p>(2) declines to take over the action; in which case the seal shall be lifted and the qui tam plaintiff may proceed with the action.</p> <p>E. When a person brings an action pursuant to this section, no person other than the attorney general on behalf of the state or a political subdivision, or a political subdivision on its own behalf, may intervene or bring a related action based on the facts underlying the pending action.</p> <p><b>Credits</b><br/>Added by <a href="#">L. 2007, Ch. 40, § 5, eff. July 1, 2007</a>. Amended by <a href="#">L. 2015, Ch. 128, § 4, eff. June 19, 2015</a>.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|                 | <p><b><i>N.M. Stat. Ann. § 44-9-6</i></b></p> <p><b>Rights of the qui tam plaintiff and the state or political subdivision</b></p> <p><u><a href="#">Currentness</a></u></p> <p>A. If the state or political subdivision proceeds with the action, it shall have the primary responsibility of prosecuting the action and shall not be bound by an act of the qui tam plaintiff. The qui tam plaintiff shall have the right to continue as a party to the action, subject to the limitations of this section.</p> <p>B. The state or political subdivision may seek to dismiss the action for good cause notwithstanding the objections of the qui tam plaintiff if the qui tam plaintiff has been notified of the filing of the motion and the court has provided the qui tam plaintiff with an opportunity to oppose the motion and to present evidence at a hearing.</p> <p>C. The state or political subdivision may settle the action with the defendant notwithstanding any objection by the qui tam plaintiff if the court determines, after a hearing providing the qui tam plaintiff an opportunity to present evidence, that the proposed settlement is fair, adequate and reasonable under all of the circumstances.</p> <p>D. Upon a showing by the state or political subdivision that unrestricted participation during the course of the litigation by the qui tam plaintiff would interfere with or unduly delay the prosecution of the case, or would be repetitious, irrelevant or for the purpose of harassment, the court may, in its discretion, impose limitations on the qui tam plaintiff's participation, such as:</p> <p>(1) limiting the number of witnesses the qui tam plaintiff may call;</p> <p>(2) limiting the length of testimony of such witnesses;</p> <p>(3) limiting the qui tam plaintiff's cross examination of witnesses; or</p> <p>(4) otherwise limiting the qui tam plaintiff's participation in the litigation.</p> <p>E. Upon a showing by a defendant that unrestricted participation during the course of litigation by the qui tam plaintiff would be for purposes of harassment or would cause the defendant undue burden or unnecessary expense, the court may limit the participation by the qui tam plaintiff in the litigation.</p> <p>F. If the state or political subdivision elects not to proceed with the action, the qui tam plaintiff shall have the right to conduct the action. If the attorney general or political subdivision so requests, the qui tam plaintiff shall serve the attorney general or political subdivision with copies of all pleadings filed in the action and all deposition transcripts in the case, at the state's or political subdivision's expense. When the qui tam plaintiff proceeds with the action, the court, without limiting the status and rights of the qui tam plaintiff, may permit the attorney general or political subdivision to intervene at a later date upon a showing of good cause.</p> <p>G. Whether or not the state or political subdivision proceeds with the action, upon a showing by the attorney general on behalf of the state or political subdivision, or a political subdivision on its own behalf, that certain actions of discovery by the qui tam plaintiff would interfere with an investigation or prosecution of a criminal or civil matter arising out of the same facts, the court may stay such discovery for a period of not more than sixty days. The showing by the state or political subdivision shall be conducted in camera. The court may extend the sixty-day period upon a further showing in camera that the state</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|                 | <p>or political subdivision has pursued the criminal or civil investigation or proceeding with reasonable diligence and any proposed discovery in the civil action will interfere with the ongoing criminal or civil investigation or proceeding.</p> <p>H. Notwithstanding the provisions of <a href="#">Section 44-9-5 NMSA 1978</a>, the attorney general or political subdivision may elect to pursue the state's or political subdivision's claim through any alternate remedy available, including an administrative proceeding to determine a civil money penalty. If an alternate remedy is pursued, the qui tam plaintiff shall have the same rights in such a proceeding as the qui tam plaintiff would have had if the action had continued pursuant to this section. A finding of fact or conclusion of law made in the other proceeding that has become final shall be conclusive on all parties to an action under the Fraud Against Taxpayers Act. For purposes of this subsection, a finding or conclusion is final if it has been finally determined on appeal to the appropriate court, if all time for filing an <b>appeal with respect to the finding or conclusion has expired or if the finding or conclusion is not subject to judicial review.</b></p> <p><b>Credits</b><br/>Added by <a href="#">L. 2007, Ch. 40, § 6, eff. July 1, 2007</a>. Amended by <a href="#">L. 2015, Ch. 128, § 5, eff. June 19, 2015</a>.</p> <p><b>N.M. Stat. Ann. § 44-9-7 -</b><br/><b>Awards to qui tam plaintiff and the state or political subdivision</b><br/><a href="#">Currentness</a></p> <p>A. Except as otherwise provided in this section, if the state or a political subdivision proceeds with an action brought by a qui tam plaintiff and the state or political subdivision prevails in the action, the qui tam plaintiff shall receive:</p> <p>(1) at least fifteen percent but not more than twenty-five percent of the proceeds of the action or settlement, depending upon the extent to which the qui tam plaintiff substantially contributed to the prosecution of the action; or</p> <p>(2) no more than ten percent of the proceeds of the action or settlement if the court finds that the action was based primarily on disclosures of specific information, not provided by the qui tam plaintiff, relating to allegations or transactions in a criminal, civil, administrative or legislative hearing, proceeding, report, audit or investigation or from the news media, taking into account the significance of the information and the role of the qui tam plaintiff in advancing the case to litigation. However, if the attorney general or political subdivision determines and certifies in writing that the qui tam plaintiff provided a significant contribution in advancing the case, then the qui tam plaintiff shall receive the share of proceeds set forth in Paragraph (1) of this subsection.</p> <p>B. If the state or political subdivision does not proceed with an action brought by a qui tam plaintiff and the state or political subdivision prevails in the action, the qui tam plaintiff shall receive an amount that is not less than twenty-five percent or more than thirty percent of the proceeds of the action or settlement, as the court deems reasonable for collecting the civil penalty and damages.</p> <p>C. Whether or not the state or political subdivision proceeds with an action brought by a qui tam plaintiff:</p> <p>(1) if the court finds that the action was brought by a person that planned or initiated the violation of <a href="#">Section 44-9-3 NMSA 1978</a> upon which the action was based, the court may reduce the share of the proceeds that the person would otherwise receive under Subsection A or B of this section, taking into account the role of the person as the qui tam plaintiff in advancing the case to litigation and any relevant circumstances pertaining to the violation; or</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|                 | <p>(2) if the person bringing the action is convicted of criminal conduct arising from that person's role in the violation of <a href="#">Section 44-9-3 NMSA 1978</a> upon which the action was based, that person shall be dismissed from the civil action and shall not receive a share of the proceeds. The dismissal shall not prejudice the right of the state or political subdivision to continue the action.</p> <p>D. Any award to a qui tam plaintiff shall be paid out of the proceeds of the action or settlement, if any. The qui tam plaintiff shall also receive an amount for reasonable expenses incurred in the action plus reasonable attorney fees that shall be paid by the defendant.</p> <p>E. The state or political subdivision is entitled to all proceeds collected in an action or settlement not awarded to a qui tam plaintiff. The state or political subdivision is also entitled to reasonable expenses incurred in the action plus reasonable attorney fees, including the fees of the attorney general or state agency counsel or counsel employed by the political subdivision that shall be paid by the defendant.</p> <p>F. Proceeds and penalties collected by the state or political subdivision shall be deposited as follows:</p> <p>(1) proceeds in the amount of the false claim paid and attorney fees and costs shall be returned to the fund or funds from which the money, property or services came;</p> <p>(2) civil penalties shall be deposited in the current school fund pursuant to <a href="#">Article 12, Section 4 of the constitution of New Mexico</a>;</p> <p>(3) except as provided in Paragraph (4) of this subsection, all remaining proceeds shall be deposited as follows:</p> <p>(a) one-half into a fund for the use of the attorney general in furtherance of the obligations imposed upon that office by the Fraud Against Taxpayers Act; and</p> <p>(b) one-half into the general fund; or</p> <p>(4) remaining proceeds collected by counties or municipalities as political subdivisions acting on their own behalf shall be disposed of in accordance with the direction of the governing body of the county or municipality.</p> <p><b>Credits</b><br/>Added by <a href="#">L. 2007, Ch. 40, § 7, eff. July 1, 2007</a>. Amended by <a href="#">L. 2015, Ch. 128, § 6, eff. June 19, 2015</a>.</p> <p><b>N.M. Stat. Ann. § 44-9-8 - Award of attorney fees and costs to defendant</b><br/>If the state or political subdivision does not proceed with the action and the qui tam plaintiff conducts the action, the court may award a defendant reasonable attorney fees and costs if the defendant prevails and the court finds the action clearly frivolous, clearly vexatious or brought primarily for the purpose of harassment.</p> <p><b>Credits</b><br/>Added by <a href="#">L. 2007, Ch. 40, § 8, eff. July 1, 2007</a>. Amended by <a href="#">L. 2015, Ch. 128, § 7, eff. June 19, 2015</a>.</p> <p><b>N.M. Stat. Ann. § 44-9-9 - Certain actions barred</b></p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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|                 | <p>A. No court shall have jurisdiction over an action brought pursuant to <a href="#">Section 44-9-5 NMSA 1978</a> by a present or former employee of the state or political subdivision unless the employee, during employment with the state or political subdivision and in good faith, exhausted existing internal procedures for reporting false claims and the state or political subdivision failed to act on the information provided within a reasonable period of time.</p> <p>B. No court shall have jurisdiction over an action brought pursuant to <a href="#">Section 44-9-5 NMSA 1978</a> against an elected or appointed state official, a member of the state legislature or a member of the judiciary if the action is based on evidence or information known to the state agency to which the false claim was made or to the attorney general when the action was filed.</p> <p>C. Unless the attorney general or political subdivision determines and certifies in writing that the action is in the interest of the state or political subdivision, no court shall have jurisdiction over an action brought pursuant to <a href="#">Section 44-9-5 NMSA 1978</a> when that action is based on allegations or transactions that are the subject of a criminal, civil or administrative proceeding in which the state or political subdivision is a party.</p> <p>D. Upon motion of the attorney general or political subdivision, a court may, in its discretion, dismiss an action brought pursuant to <a href="#">Section 44-9-5 NMSA 1978</a> if the elements of the alleged false or fraudulent <b>claim have been publicly disclosed in the news media or in a publicly disseminated governmental report at the time the complaint is filed.</b></p> <p><b>Credits</b><br/>Added by <a href="#">L. 2007, Ch. 40, § 9, eff. July 1, 2007.</a> Amended by <a href="#">L. 2015, Ch. 128, § 8, eff. June 19, 2015.</a></p> <p><b>N.M. Stat. Ann. § 44-9-10 - State or political subdivision not liable</b><br/>The state or political subdivision shall not be liable for expenses or fees that a qui tam plaintiff may incur in investigating or bringing an action pursuant to the Fraud Against Taxpayers Act.</p> <p><b>Credits</b><br/>Added by <a href="#">L. 2007, Ch. 40, § 10, eff. July 1, 2007.</a> Amended by <a href="#">L. 2015, Ch. 128, § 9, eff. June 19, 2015.</a></p> <p><b>N.M. Stat. Ann. § 44-9-12 - Limitation of actions; estoppel; standard of proof</b><br/>A. A civil action pursuant to the Fraud Against Taxpayers Act may be brought at any time. A civil action pursuant to the Fraud Against Taxpayers Act may be brought for conduct that occurred prior to the effective date of that act, but not for conduct that occurred prior to July 1, 1987.</p> <p>B. Notwithstanding any other provision of law, a final judgment rendered in a criminal proceeding charging fraud or false statement, whether upon a guilty verdict after trial or upon a plea of guilty or nolo contendere, shall estop the defendant from denying the essential elements of a fraud against taxpayers action where the criminal proceeding concerns the same transaction that is the subject of the fraud against taxpayers action.</p> <p>C. In an action brought pursuant to the Fraud Against Taxpayers Act, the state or political subdivision or the qui tam plaintiff shall be required to prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.</p> <p><b>Credits</b><br/>Added by <a href="#">L. 2007, Ch. 40, § 12, eff. July 1, 2007.</a> Amended by <a href="#">L. 2015, Ch. 128, § 10, eff. June 19, 2015.</a></p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|                 | <p>N.M. Stat. Ann. § 44-9-13 - Joint and several liability<br/>Liability shall be joint and several for any act committed by two or more persons in violation of the Fraud Against Taxpayers Act [<a href="#">44-9-1 NMSA</a> 1978].<br/><b>HISTORY:</b> <a href="#">Laws 2007, ch. 40, § 13</a>.</p> <p><b>N.M. Stat. Ann. § 44-9-14 - Remedy not exclusive</b><br/>The remedies provided for in the Fraud Against Taxpayers Act [<a href="#">44-9-1 NMSA</a> 1978] are not exclusive and shall be in addition to any other remedies provided for in any other law or available under common law.<br/><b>HISTORY:</b> Laws 2007, ch. 40, § 14</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|                 | <p><b>Whistle-blower Protections</b></p> <p><b>N.M. Stat. Ann. § 27-14-12 - Employee protection</b></p> <p>Any employee who is discharged, demoted, suspended, threatened, harassed or otherwise discriminated against in the terms and conditions of employment by the employer because of lawful acts done by the employee on behalf of the employee or others in disclosing information to the department or in furthering a false claims action pursuant to the Medicaid False Claims Act [<a href="#">27-14-1 NMSA</a> 1978], including investigation for, initiation of, testimony for or assistance in an action filed or to be filed pursuant to that act, shall be entitled to all relief necessary to make the employee whole. Such relief shall include reinstatement with the same seniority status that the employee would have had but for the discrimination, two times the amount of back pay, interest on the back pay and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney fees. An employee may bring an action in the appropriate court of the state for the relief provided in this subsection.<br/><b>HISTORY:</b> <a href="#">Laws 2004, ch. 49, § 12</a>.</p> <p><b>FRAUD AGAINST TAXPAYERS ACT</b><br/>N.M. Stat. Ann. § 44-9-11<br/><b>Employer interference with employee disclosure; private action for retaliation</b><br/>A. An employer shall not make, adopt or enforce a rule, regulation or policy preventing an employee from disclosing information to a government or law enforcement agency or from acting in furtherance of a fraud against taxpayers action, including investigating, initiating, testifying or assisting in an action filed or to be filed pursuant to the Fraud Against Taxpayers Act [<a href="#">44-9-1 NMSA</a> 1978].<br/><br/>B. An employer shall not discharge, demote, suspend, threaten, harass, deny promotion to or in any other manner discriminate against an employee in the</p> |

| State /Citation     | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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|                     | <p>terms and conditions of employment because of the lawful acts of the employee on behalf of the employee or others in disclosing information to a government or law enforcement agency or in furthering a fraud against taxpayers action, including investigating, initiating, testifying or assisting in an action filed or to be filed pursuant to the Fraud Against Taxpayers Act [44-9-1 NMSA 1978].</p> <p>C. An employer that violates Subsection B of this section shall be liable to the employee for all relief necessary to make the employee whole, including reinstatement with the same seniority status that the employee would have had but for the violation, two times the amount of back pay with interest on the back pay, compensation for any special damage sustained as a result of the violation and, if appropriate, punitive damages. In addition, an employer shall be required to pay the litigation costs and reasonable attorney fees of the employee. An employee may bring an action pursuant to this section in any court of competent jurisdiction.</p> <p><b>HISTORY:</b> <a href="#">Laws 2007, ch. 40, § 11</a>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <u>Pennsylvania</u> | <p><b>Criminal and Civil Penalties for False Claims and Statements</b></p> <p><i>Other Helpful Information About Medicaid Fraud &amp; Reporting Fraud</i></p> <p><a href="https://www.pa.gov/en/agencies/dhs/report-fraud/medicaid-fraud-abuse.html">https://www.pa.gov/en/agencies/dhs/report-fraud/medicaid-fraud-abuse.html</a></p> <p><a href="https://www.pccd.pa.gov/Funding/Pages/Reporting-Fraud,-Waste-and-Abuse.aspx">https://www.pccd.pa.gov/Funding/Pages/Reporting-Fraud,-Waste-and-Abuse.aspx</a></p> <p><a href="https://www.pa.gov/en/agencies/dhs/departments-offices/oa-info/oa-bureau-program-integrity.html">https://www.pa.gov/en/agencies/dhs/departments-offices/oa-info/oa-bureau-program-integrity.html</a></p> <p><b>PA Medical Assistance Bulletin #99-07-13</b></p> <ul style="list-style-type: none"><li>• <i>State Bulletin/Notice</i> - MA Bulletin 99-07-13 - Updated Regarding False Claims Provisions of Deficit Reduction Act of 2005 - Employee Education About False Claims Recovery</li></ul> <p><a href="https://www.pa.gov/content/dam/copapwp-pagov/en/dhs/documents/docs/publications/documents/forms-and-pubs-omap/p_033868.pdf">https://www.pa.gov/content/dam/copapwp-pagov/en/dhs/documents/docs/publications/documents/forms-and-pubs-omap/p_033868.pdf</a></p> <p><b>PA ST 62 P.S. § 1407</b></p> <p><b>62 P.S. § 1407 - Provider prohibited acts, criminal penalties and civil remedies</b></p> <p>((a) It shall be unlawful for any person to:</p> <p>(1) Knowingly or intentionally present for allowance or payment any false or fraudulent claim or cost report for furnishing services or merchandise under medical assistance, or to knowingly present for allowance or payment any claim or cost report for medically unnecessary services or merchandise under medical assistance, or to knowingly submit false information, for the purpose of obtaining greater compensation than that to which he is legally entitled for</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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|                 | <p>furnishing services or merchandise under medical assistance, or to knowingly submit false information for the purpose of obtaining authorization for furnishing services or merchandise under medical assistance.</p> <p>(2) Solicit or receive or to offer or pay any remuneration, including any kickback, bribe or rebate, directly or indirectly, in cash or in kind from or to any person in connection with the furnishing of services or merchandise for which payment may be in whole or in part under the medical assistance program or in connection with referring an individual to a person for the furnishing or arranging for the furnishing of any services or merchandise for which payment may be made in whole or in part under the medical assistance program.</p> <p>(3) Submit a duplicate claim for services, supplies or equipment for which the provider has already received or claimed reimbursement from any source.</p> <p>(4) Submit a claim for services, supplies or equipment which were not rendered to a recipient.</p> <p>(5) Submit a claim for services, supplies or equipment which includes costs or charges not related to such services, supplies or equipment rendered to the recipient.</p> <p>(6) Submit a claim or refer a recipient to another provider by referral, order or prescription, for services, supplies or equipment which are not documented in the record in the prescribed manner and are of little or no benefit to the recipient, are below the accepted medical treatment standards, or are unneeded by the recipient.</p> <p>(7) Submit a claim which misrepresents the description of services, supplies or equipment dispensed or provided; the dates of services; the identity of the recipient; the identity of the attending, prescribing or referring practitioner; or the identity of the actual provider.</p> <p>(8) Submit a claim for reimbursement for a service, charge or item at a fee or charge which is higher than the provider's usual and customary charge to the general public for the same service or item.</p> <p>(9) Submit a claim for a service or item which was not rendered by the provider.</p> <p>(10) Dispense, render or provide a service or item without a practitioner's written order and the consent of the recipient, except in emergency situations, or submit a claim for a service or item which was dispensed, or provided without the consent of the recipient, except in emergency situations.</p> <p>(11) Except in emergency situations, dispense, render or provide a service or item to a patient claiming to be a recipient without making a reasonable effort to ascertain by verification through a current medical assistance identification card, that the person or patient is, in fact, a recipient who is eligible on the date of service and without another available medical resource.</p> <p>(12) Enter into an agreement, combination or conspiracy to obtain or aid another to obtain reimbursement or payments for which there is not entitlement.</p> <p>(13) Make a false statement in the application for enrollment as a provider.</p> <p>(14) Commit any of the prohibited acts described in section 1403(d)(1), (2), (4) and (5).<u>1</u></p> <p>(b)(1) A person who violates any provision of subsection (a), excepting subsection (a)(11), is guilty of a felony of the third degree for each such violation with a maximum penalty of fifteen thousand dollars (\$15,000) and seven years imprisonment. A violation of subsection (a) shall be deemed to continue so long as the course of conduct or the defendant's complicity therein continues; the offense is committed when the course of conduct or complicity of the defendant therein is terminated in accordance with the provisions of <a href="#">42 Pa.C.S. § 5552(d)</a> (relating to other offenses). Whenever any person has been previously convicted in any state or Federal court of conduct that would constitute a violation of subsection (a), a subsequent allegation, indictment or information</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|                 | <p>under subsection (a) shall be classified as a felony of the second degree with a maximum penalty of twenty-five thousand dollars (\$25,000) and ten years imprisonment.</p> <p>(2) In addition to the penalties provided under subsection (b), the trial court shall order any person convicted under subsection (a):</p> <p>(i) to repay the amount of the excess benefits or payments plus interest on that amount at the maximum legal rate from the date payment was made by the Commonwealth to the date repayment is made to the Commonwealth;</p> <p>(ii) to pay an amount not to exceed threefold the amount of excess benefits or payments.</p> <p>(3) Any person convicted under subsection (a) shall be ineligible to participate in the medical assistance program for a period of five years from the date of conviction. The department shall notify any provider so convicted that the provider agreement is terminated for five years, and the provider is entitled to a hearing on the sole issue of identity. If the conviction is set aside on appeal, the termination shall be lifted.</p> <p>(4) The Attorney General and the district attorneys of the several counties shall have concurrent authority to institute criminal proceedings under the provisions of this section.</p> <p>(5) As used in this section the following words and phrases shall have the following meanings:</p> <p><b>“Conviction”</b> means a verdict of guilty, a guilty plea, or a plea of nolo contendere in the trial court.</p> <p><b>“Medically unnecessary or inadequate services or merchandise”</b> means services or merchandise which are unnecessary or inadequate as determined by medical professionals engaged by the department who are competent in the same or similar field within the practice of medicine.</p> <p>(c)(1) If the department determines that a provider has committed any prohibited act or has failed to satisfy any requirement under section 1407(a),<a href="#">2</a> it shall have the authority to immediately terminate, upon notice to the provider, the provider agreement and to institute a civil suit against such provider in the court of common pleas for twice the amount of excess benefits or payments plus legal interest from the date the violation or violations occurred. The department shall have the authority to use statistical sampling methods to determine the appropriate amount of restitution due from the provider.</p> <p>(2) Providers who are terminated from participation in the medical assistance program for any reason shall be prohibited from owning, arranging for, rendering or ordering any service for medical assistance recipients during the period of termination. In addition, such provider may not receive, during the period of termination, reimbursement in the form of direct payments from the department or indirect payments of medical assistance funds in the form of salary, shared fees, contracts, kickbacks or rebates from or through any participating provider.</p> <p>(3) Notice of any action taken by the department against a provider pursuant to clauses (1) and (2) will be forwarded by the department to the Medicaid Fraud Control Unit of the Department of Justice and to the appropriate licensing board of the Department of State for appropriate action, if any. In addition, the department will forward to the Medicaid Fraud Control Unit of the Department of Justice and the appropriate Pennsylvania licensing board of the Department of State any cases of suspected provider fraud.</p> <p><b>Credits</b></p> <p>1967, June 13, P.L. 31, No. 21, art. 14, § 1407, added 1980, July 10, P.L. 493, No. 105, § 3, effective in 60 days.</p> |

| State /Citation                                                                             | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                   |                 |                 |                            |                    |                                 |                    |                                  |                                                                                             |                                 |
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|                                                                                             | <p><b>62 P.S. § 1408</b></p> <p><b>§ 1408. Other prohibited acts, criminal penalties and civil remedies</b></p> <p><u><a href="#">Currentness</a></u></p> <p>(a) It shall be unlawful for any person to:</p> <p>(1) knowingly or intentionally make or cause to be made a false statement or misrepresentation or to wilfully fail to disclose a material fact regarding eligibility, including, but not limited to, facts regarding income, resources or potential third-party liability, for either themselves or any other individual, either prior to or at the time of or subsequent to the application for any medical assistance benefits or payments;</p> <p>(2) having knowledge of the occurrence of any event affecting his initial or continued right to any such benefit or payment or the initial or continued right to any such benefit or payment of any other individual in whose behalf he has applied for or is receiving such benefit or payment, conceal or fail to disclose such event with an intent fraudulently to secure such benefit or payment either in a greater amount or quantity than is due or when no such benefit or payment is authorized;</p> <p>(3) having made application to receive any such benefit or payment for the use and benefit of himself or another and having received it, knowingly or intentionally converts such benefit or any part thereof to a use other than for the use and benefit of himself or such other person; or</p> <p>(4) knowingly or intentionally visit more than three practitioners or providers, who specialize in the same field, in the course of one month for the purpose of obtaining excessive services or benefits beyond what is reasonably needed (as determined by medical professionals engaged by the department) for the treatment of a diagnosed condition of the recipient.</p> <p>(5) borrow or use a medical assistance identification card for which he is not entitled or otherwise gain or attempt to gain medical services covered under the medical assistance program if he has not been determined eligible for the program.</p> <p>(b)(1) Any person violating subsection (a)(1), (2) or (3) commits the grade of crime determined from the following schedule:</p> <table><tr><td>Amount of Benefit</td><td>Degree of Crime</td></tr><tr><td>\$3,000 or more</td><td>Felony of the third degree</td></tr><tr><td>\$1,500 to \$2,999</td><td>Misdemeanor of the first degree</td></tr><tr><td>\$1,000 to \$1,499</td><td>Misdemeanor of the second degree</td></tr><tr><td>\$999 and under or an attempt to commit any act prohibited in subsection (a)(1), (2) or (3)</td><td>Misdemeanor of the third degree</td></tr></table> <p>(1.1) Pursuant to <u><a href="#">42 Pa.C.S. § 1515(a)(7)</a></u> (relating to jurisdiction and venue), jurisdiction over cases graded a misdemeanor of the third degree under this section shall be vested in district justices.</p> <p>(1.2) Any person committing a crime enumerated in subsection (a)(1), (2), (3), (4) or (5) shall be ordered to pay restitution of any medical assistance benefits or payments made on behalf of either themselves or another individual. A restitution order under this subsection may be paid in a lump sum or by monthly installments or according to such other schedule as is deemed just by the sentencing court. Notwithstanding the provisions of <u><a href="#">18 Pa.C.S. § 1106(c)(2)</a></u> (relating to restitution for injuries to person or property) to the contrary, the period of time during which the offender is ordered to make restitution may exceed the</p> | Amount of Benefit | Degree of Crime | \$3,000 or more | Felony of the third degree | \$1,500 to \$2,999 | Misdemeanor of the first degree | \$1,000 to \$1,499 | Misdemeanor of the second degree | \$999 and under or an attempt to commit any act prohibited in subsection (a)(1), (2) or (3) | Misdemeanor of the third degree |
| Amount of Benefit                                                                           | Degree of Crime                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                   |                 |                 |                            |                    |                                 |                    |                                  |                                                                                             |                                 |
| \$3,000 or more                                                                             | Felony of the third degree                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                   |                 |                 |                            |                    |                                 |                    |                                  |                                                                                             |                                 |
| \$1,500 to \$2,999                                                                          | Misdemeanor of the first degree                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                   |                 |                 |                            |                    |                                 |                    |                                  |                                                                                             |                                 |
| \$1,000 to \$1,499                                                                          | Misdemeanor of the second degree                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                   |                 |                 |                            |                    |                                 |                    |                                  |                                                                                             |                                 |
| \$999 and under or an attempt to commit any act prohibited in subsection (a)(1), (2) or (3) | Misdemeanor of the third degree                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                   |                 |                 |                            |                    |                                 |                    |                                  |                                                                                             |                                 |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|                 | <p>maximum term of imprisonment to which the offender could have been sentenced for the crime of which he was convicted if the sentencing court determines such period to be reasonable and in the interest of justice.</p> <p>(1.3) There shall be a five-year statute of limitations on all crimes enumerated in subsection (a).</p> <p>(2) A person who commits a violation of subsection (a)(4) or (5) is guilty of a misdemeanor of the first degree for each violation thereof with a maximum penalty thereof of ten thousand dollars (\$10,000) and five years imprisonment.</p> <p>(c)(1) Anyone who is convicted of a violation of subsection (a)(1), (2), (3), (4) or (5) shall, upon notification by the department, forfeit any and all rights to medical assistance benefits for any period of incarceration.</p> <p>(2) If the department determines that a recipient misuses or overutilizes medical assistance benefits, the department is authorized to restrict a recipient to a provider of his choice for each medical specialty or type of provider covered under the medical assistance program.</p> <p>(3) If the department determines that a general assistance eligible person who is also a medical assistance recipient has violated the provisions of subsection (a)(3), (4) or (5), the department shall have the authority to terminate such recipient's rights to any and all medical assistance benefits for a period up to one year.</p> <p>(4) If the department determines that a person has violated the provisions of subsection (a)(1), (3), (4) or (5), the department shall have the authority to institute a civil suit against such person for the amount of the benefits obtained by the person in violation of subsection (a)(1), (3), (4) or (5), plus legal interest from the date the violation or violations occurred.</p> <p>(5) The department shall also have the authority to administratively impose a one thousand dollar (\$1,000) penalty against a person for each violation of subsection (a).</p> <p>(6)(i) If it is found that a recipient or a member of his family or household, who would have been ineligible for medical assistance, possessed unreported real or personal property in excess of the amount permitted by law, the amount collectible shall be limited to an amount equal to the market value of such unreported property or the amount of medical assistance granted during the period it was held up to the date the unreported excess real or personal property is identified, whichever is less. Repayment of the overpayment shall be sought from the recipient, the person receiving or holding such property, the recipient's estate and/or survivors benefiting from receiving such property. Proof of date of acquisition of such property must be provided by the recipient or person acting on his behalf.</p> <p>(ii) Where a person receiving medical assistance for which he would have been ineligible due to possession of such unreported property and proof of date of acquisition of such property is not provided, it shall be deemed that such real or personal property was held by the recipient the entire time he was on medical assistance and repayment shall be for all medical assistance paid for the recipient or the value of such excess property, whichever is less. Repayment shall be sought from the recipient, the person acting on the recipient's behalf, the person receiving or holding such property, the recipient's estate and/or survivors benefiting from receiving such property.</p> <p>(d) The department is authorized to institute a civil suit to enforce any of the rights established by this section.</p> <p><b>Credits</b></p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                 | <p>1967, June 13, P.L. 31, No. 21, art. 14, § 1408, added 1980, July 10, P.L. 493, No. 105, § 3, effective in 60 days. Affected 1982, Dec. 20, P.L. 1409, No. 326, art. III, § 312, effective in 60 days. Amended <a href="#">1994, June 16, P.L. 319, No. 49, § 13</a>, effective in 60 days.</p> <p><b>55 Pa. Code § 1101.75 -. Provider prohibited acts</b></p> <p>(a) An enrolled provider may not, either directly or indirectly, do any of the following acts:</p> <p>(1) Knowingly or intentionally present for allowance or payment a false or fraudulent claim or cost report for furnishing services or merchandise under MA, knowingly present for allowance or payment a claim or cost report for medically unnecessary services or merchandise under MA, or knowingly submit false information, for the purpose of obtaining greater compensation than that to which the provider is legally entitled for furnishing services or merchandise under MA.</p> <p>(2) Knowingly submit false information to obtain authorization to furnish services or items under MA.</p> <p>(3) Solicit, receive, offer or pay a remuneration, including a kickback, bribe or rebate, directly or indirectly, in cash or in kind, from or to a person in connection with furnishing of services or items or referral of a recipient for services and items.</p> <p>(4) Submit a duplicate claim for services or items for which the provider has already received or claimed reimbursement from a source.</p> <p>(5) Submit a claim for services or items which were not rendered by the provider or were not rendered to a recipient.</p> <p>(6) Submit a claim for services or items which includes costs or charges which are not related to the cost of the services or items.</p> <p>(7) Submit a claim or refer a recipient to another provider by referral, order or prescription, for services, supplies or equipment which are not documented in the record in the prescribed manner and are of little or no benefit to the recipient, are below the accepted medical treatment standards, or are not medically necessary.</p> <p>(8) Submit a claim which misrepresents the description of the services, supplies or equipment dispensed or provided, the date of service, the identity of the recipient or of the attending, prescribing, referring or actual provider.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|                 | <p>(9) Submit a claim for a service or item at a fee that is greater than the provider's charge to the general public.</p> <p>(10) Except in emergency situations, dispense, render or provide a service or item without a practitioner's written order and the consent of the recipient or submit a claim for a service or item which was dispensed or provided without the consent of the recipient.</p> <p>(11) Except in emergency situations, dispense, render or provide a service or item to a patient claiming to be a recipient without first making a reasonable effort to verify by a current Medical Services Eligibility card that the patient is an eligible recipient with no other medical resources.</p> <p>(12) Enter into an agreement, combination or conspiracy to obtain or aid another in obtaining payment from the Department for which the provider or other person is not entitled, that is, eligible.</p> <p>(13) Make a false statement in the application for enrollment or reenrollment in the program.</p> <p>(14) Commit a prohibited act specified in § 1102.81(a) (relating to prohibited acts of a shared health facility and providers practicing in the shared health facility).</p> <p>(b) A provider or person who commits a prohibited act specified in subsection (a), except paragraph (11), is subject to the penalties specified in §§ 1101.76, 1101.77 and 1101.83 (relating to criminal penalties; enforcement actions by the Department; and restitution and repayment).</p> <p><b>AUTHORITY:</b> The provisions of this § 1101.75 issued under sections 403(a) and (b), 441.1 and 1410 of the Public Welfare Code (<a href="#">62 P. S. §§ 403(a)</a> and (b), 441.1 and 1410).</p> <p><b>SOURCE:</b> The provisions of this § 1101.75 adopted November 18, 1983, effective November 19, 1983, 13 Pa.B. 3653.</p> <p>NOTES: Cross References - This section cited in <a href="#">55 Pa. Code § 41.153</a> (relating to burden of proof and production); <a href="#">55 Pa. Code § 51.27</a> (relating to misuse and abuse of funds and damage of participants property); <a href="#">55 Pa. Code § 51.152</a> (relating to termination of provider agreement); <a href="#">55 Pa. Code § 1101.76</a> (relating to criminal penalties); <a href="#">55 Pa. Code § 1101.83</a> (relating to restitution and repayment); <a href="#">55 Pa. Code § 1101.84</a> (relating to provider right of appeal); and <a href="#">55 Pa. Code § 5221.43</a> (relating to quality assurance and utilization review).</p> <p>77 P.S. § 1039.2<br/>§ 1039.2. Offenses<br/>Currentness<br/>A person, including, but not limited to, the employer, the employe, the health care provider, the attorney, the insurer, the State Workmen's Insurance Fund and self-insureds, commits an offense if the person does any of the following:</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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|                 | <p>(1) Knowingly and with the intent to defraud a State or local government agency files, presents or causes to be filed with or presented to the government agency a document that contains false, incomplete or misleading information concerning any fact or thing material to the agency's determination in approving or disapproving a workers' compensation insurance rate filing, a workers' compensation transaction or other workers' compensation insurance action which is required or filed in response to an agency's request.</p> <p>(2) Knowingly and with intent to defraud any insurer presents or causes to be presented to any insurer any statement forming a part of or in support of a workers' compensation insurance claim that contains any false, incomplete or misleading information concerning any fact or thing material to the workers' compensation insurance claim.</p> <p>(3) Knowingly and with the intent to defraud any insurer assists, abets, solicits or conspires with another to prepare or make any statement that is intended to be presented to any insurer in connection with or in support of a workers' compensation insurance claim that contains any false, incomplete or misleading information concerning any fact or thing material to the workers' compensation insurance claim.</p> <p>(4) Engages in unlicensed agent or broker activity as defined by the act of May 17, 1921 (P.L. 789, No. 285),1 known as “The Insurance Department Act of 1921,” knowingly and with the intent to defraud an insurer or the public.</p> <p>(5) Knowingly benefits, directly or indirectly, from the proceeds derived from a violation of this section due to the assistance, conspiracy or urging of any person.</p> <p>(6) Is the owner, administrator or employe of any health care facility and knowingly allows the use of such facility by any person in furtherance of a scheme or conspiracy to violate any of the provisions of this section.</p> <p>(7) Knowingly and with the intent to defraud assists, abets, solicits or conspires with any person who engages in an unlawful act under this section.</p> <p>(8) Makes or causes to be made any knowingly false or fraudulent statement with regard to entitlement to benefits with the intent to discourage an injured worker from claiming benefits or pursuing a claim.</p> <p>(9) Knowingly and with the intent to defraud makes any false statement for the purpose of avoiding or diminishing the amount of the payment in premiums to an insurer or self-insurance fund.</p> <p>(10) Knowingly and with intent to defraud, fails to make the report required under section 311.1.2</p> <p>(11) Knowingly and with intent to defraud, receives total disability benefits under this act while employed or receiving wages.</p> <p>(12) Knowingly and with intent to defraud, receives partial disability benefits in excess of the amount permitted with respect to the wages received.</p> <p>Credits</p> <p>1915, June 2, P.L. 736, No. 338, art. XI, § 1102, added 1993, July 2, P.L. 190, No. 44, § 20, effective in 60 days. Amended 1996, June 24, P.L. 350, No. 57, § 26, effective in 60 days.</p> |
|                 | Qui Tam Actions & Remedies                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|                 | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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|                 | <b>Whistle-blower Protections</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                 | <b>43 P.S. § 1421</b><br>This act shall be known and may be cited as the Whistleblower Law.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                 | <b>43 P.S. § 1422 - Definitions</b><br>The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:<br><br>"APPROPRIATE AUTHORITY." A FEDERAL, STATE OR LOCAL GOVERNMENT BODY, AGENCY OR ORGANIZATION HAVING JURISDICTION OVER CRIMINAL LAW ENFORCEMENT, REGULATORY VIOLATIONS, PROFESSIONAL CONDUCT OR ETHICS, OR WASTE; OR A MEMBER, OFFICER, AGENT, REPRESENTATIVE OR SUPERVISORY EMPLOYEE OF THE BODY, AGENCY OR ORGANIZATION. THE TERM INCLUDES, BUT IS NOT LIMITED TO, THE OFFICE OF INSPECTOR GENERAL, THE OFFICE OF ATTORNEY GENERAL, THE DEPARTMENT OF THE AUDITOR GENERAL, THE TREASURY DEPARTMENT, THE GENERAL ASSEMBLY AND COMMITTEES OF THE GENERAL ASSEMBLY HAVING THE POWER AND DUTY TO INVESTIGATE CRIMINAL LAW ENFORCEMENT, REGULATORY VIOLATIONS, PROFESSIONAL CONDUCT OR ETHICS, OR WASTE.<br><br>"EMPLOYEE." A PERSON WHO PERFORMS A SERVICE FOR WAGES OR OTHER REMUNERATION UNDER A CONTRACT OF HIRE, WRITTEN OR ORAL, EXPRESS OR IMPLIED, FOR AN EMPLOYER.<br><br>"EMPLOYER." A public body or any of the following which receives money from a public body to perform work or provide services relative to the performance of work for or the provision of services to a public body:<br><br>(1) An individual.<br><br>(2) A partnership.<br><br>(3) An association.<br><br>(4) A corporation for profit.<br><br>(5) A corporation not for profit. |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|                 | <p>"GOOD FAITH REPORT." A REPORT OF CONDUCT DEFINED IN THIS ACT AS WRONGDOING OR WASTE WHICH IS MADE WITHOUT MALICE OR CONSIDERATION OF PERSONAL BENEFIT AND WHICH THE PERSON MAKING THE REPORT HAS REASONABLE CAUSE TO BELIEVE IS TRUE. AN EMPLOYER IS NOT BARRED FROM TAKING DISCIPLINARY ACTION AGAINST THE EMPLOYEE WHO COMPLETED THE REPORT IF THE EMPLOYEE'S REPORT WAS SUBMITTED IN BAD FAITH.</p> <p>"PUBLIC BODY." All of the following:</p> <p>(1) A State officer, agency, department, division, bureau, board, commission, council, authority or other body in the executive branch of State government.</p> <p>(1.1) The General Assembly and its agencies.</p> <p>(2) A county, city, township, regional governing body, council, school district, special district or municipal corporation, or a board, department, commission, council or agency.</p> <p>(3) Any other body which is created by Commonwealth or political subdivision authority or which is funded in any amount by or through Commonwealth or political subdivision authority or a member or employee of that body.</p> <p>"WASTE." An employer's conduct or omissions which result in substantial abuse, misuse, destruction or loss of funds or resources belonging to or derived from Commonwealth or political subdivision sources.</p> <p>"WHISTLEBLOWER." A person who witnesses or has evidence of wrongdoing or waste while employed and who makes a good faith report of the wrongdoing or waste, verbally or in writing, to one of the person's superiors, to an agent of the employer or to an appropriate authority.</p> <p>"WRONGDOING." A violation which is not of a merely technical or minimal nature of a Federal or State statute or regulation, of a political subdivision ordinance or regulation or of a code of conduct or ethics designed to protect the interest of the public or the employer.</p> <p>🚩<b>History:</b> Act 1986-169 (H.B. 284), P.L. 1559, § 2, approved Dec. 12, 1986, eff. in 60 days; <a href="#">Act 2014-87</a> (H.B. 118), P.L. 824, § 1, approved July 2, 2014, eff. in 60 days; <a href="#">Act 2014-88</a> (H.B. 185), P.L. 826, § 1, approved July 2, 2014, eff. in 60 days.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|                 | <p><b>43 P.S. § 1423 -Protection of employees</b></p> <p>(a) PERSONS NOT TO BE DISCHARGED.-- No employer may discharge, threaten or otherwise discriminate or retaliate against an employee regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee or a person acting on behalf of the employee makes a good faith report or is about to report, verbally or in writing, to the employer or appropriate authority an instance of wrongdoing or waste by a public body or an instance of waste by any other employer as defined in this act.</p> <p>(b) DISCRIMINATION PROHIBITED.-- No employer may discharge, threaten or otherwise discriminate or retaliate against an employee regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee is requested by an appropriate authority to participate in an investigation, hearing or inquiry held by an appropriate authority or in a court action.</p> <p>(c) DISCLOSURE PROHIBITION.-- An appropriate authority to which a violation of this act was reported may not disclose the identity of a whistleblower without the whistleblower's consent unless disclosure is unavoidable in the investigation of the alleged violation.</p> <p>🚩<b>History:</b> Act 1986-169 (H.B. 284), P.L. 1559, § 3, approved Dec. 12, 1986, eff. in 60 days; <a href="#">Act 2014-87</a> (H.B. 118), P.L. 824, § 2, approved July 2, 2014, eff. in 60 days; <a href="#">Act 2014-88</a> (H.B. 185), P.L. 826, § 2, approved July 2, 2014, eff. in 60 days.</p> <p><b>43 P.S. § 1424 Remedies</b></p> <p>(a) CIVIL ACTION.-- A person who alleges a violation of this act may bring a civil action in a court of competent jurisdiction for appropriate injunctive relief or damages, or both, within 180 days after the occurrence of the alleged violation.</p> <p>(b) NECESSARY SHOWING OF EVIDENCE.-- An employee alleging a violation of this act must show by a preponderance of the evidence that, prior to the alleged reprisal, the employee or a person acting on behalf of the employee had reported or was about to report in good faith, verbally or in writing, an instance of wrongdoing or waste to the employer or an appropriate authority.</p> <p>(c) DEFENSE.-- It shall be a defense to an action under this section if the defendant proves by a preponderance of the evidence that the action by the employer occurred for separate and legitimate reasons, which are not merely pretextual.</p> <p>(d) CIVIL SERVICE EMPLOYEES.-- An employee covered by civil service who contests a civil service action, believing it to be motivated by his having made a good faith report, verbally or in writing, of an instance of wrongdoing or waste, may submit as admissible evidence any or all material relating to the action as whistleblower and to the resulting alleged reprisal.</p> <p><b>History:</b> Act 1986-169 (H.B. 284), P.L. 1559, § 4, approved Dec. 12, 1986, eff. in 60 days.</p> <p><b>43 P.S. § 1425 - Enforcement</b></p> <p>A court, in rendering a judgment in an action brought under this act, shall order, as the court considers appropriate, reinstatement of the employee, the</p> |

| State /Citation              | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|                              | <p>payment of back wages, full reinstatement of fringe benefits and seniority rights, actual damages or any combination of these remedies. A court shall also award the complainant all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, if the complainant prevails in the civil action.</p> <p>🚩<b>History:</b> Act 1986-169 (H.B. 284), P.L. 1559, § 5, approved Dec. 12, 1986, eff. in 60 days; <a href="#">Act 2014-87</a> (H.B. 118), P.L. 824, § 3, approved July 2, 2014, eff. in 60 days.</p> <p><b>43 P.S. § 1426 - Penalties</b></p> <p>A person who, under color of an employer's authority, violates this act shall be liable for a civil fine of not more than \$ 10,000. Additionally, except where the person holds an elected public office, if the court specifically finds that the person, while in the employment of the Commonwealth or a political subdivision, committed a violation of this act with the intent to discourage the disclosure of criminal activity, the court may order the person's suspension from public service for not more than seven years. A civil fine which is ordered under this section shall be paid to the State Treasurer for deposit into the General Fund.</p> <p>🚩<b>History:</b> Act 1986-169 (H.B. 284), P.L. 1559, § 6, approved Dec. 12, 1986, eff. in 60 days; <a href="#">Act 2014-87</a> (H.B. 118), P.L. 824, § 3, approved July 2, 2014, eff. in 60 days; <a href="#">Act 2014-88</a> (H.B. 185), P.L. 826, § 3, approved July 2, 2014, eff. in 60 days.</p> <p><b>43 P.S. § 1427 – Construction</b></p> <p>This act shall not be construed to require an employer to compensate an employee for participation in an investigation, hearing or inquiry held by an appropriate authority, or impair the rights of any person under a collective bargaining agreement.</p> <p><b>History:</b> Act 1986-169 (H.B. 284), P.L. 1559, § 7, approved Dec. 12, 1986, eff. in 60 days.</p> <p><b>43 P.S. § 1428 - Notice</b></p> <p>An employer shall post notices and use other appropriate means to notify employees and keep them informed of protections and obligations under this act.</p> <p><b>History:</b> Act 1986-169 (H.B. 284), P.L. 1559, § 8, approved Dec. 12, 1986, eff. in 60 days.</p> |
| <u>Texas/</u>                | <b>Criminal and Civil Penalties for False Claims and Statements</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Tex. Hum. Res. Code § 32.039 | <p>Other Helpful Information About Medicaid Fraud &amp; Reporting Fraud</p> <p><a href="https://www.texasattorneygeneral.gov/divisions/law-enforcement/medicaid-fraud-control-unit">https://www.texasattorneygeneral.gov/divisions/law-enforcement/medicaid-fraud-control-unit</a></p> <p><a href="https://oig.hhs.texas.gov/report-fraud-waste-or-abuse">https://oig.hhs.texas.gov/report-fraud-waste-or-abuse</a></p> <p>Human Resources Code</p> <p>Title 2 Human Services and Protective Services in General</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

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| 1 TAC § 371.1617 <i>et seq</i> | <p>Subtitle A General Provisions<br/>Chapter 11 General Provisions</p> <p>Tex. Hum. Res. Code § 11.001. Definitions.</p> <p>In this title:</p> <p>(1) "Assistance" means all forms of assistance and services for needy persons authorized by Subtitle C.</p> <p>(2) "Commission" means the Health and Human Services Commission.</p> <p>(3) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.</p> <p>(4) "Financial assistance" means money payments for needy persons authorized by Chapter 31.</p> <p>(5) "Medical assistance" means assistance for needy persons authorized by Chapter 32.</p> <p> <b>History:</b> Enacted by Acts 1979, 66th Leg., ch. 842 (H.B. 1834), art. 1, § 1, effective September 1, 1979; am. Acts 1985, 69th Leg., ch. 264 (S.B. 351), § 5, effective August 26, 1985; am. <a href="#">Acts 1995, 74th Leg., ch. 76 (S.B. 959), § 8.012</a>, effective September 1, 1995; am. <a href="#">Acts 1995, 74th Leg., ch. 920 (H.B. 1662), § 6</a>, effective September 1, 1995; am. <a href="#">Acts 1997, 75th Leg., ch. 980 (H.B. 2577), § 50</a>, effective September 1, 1997; am. <a href="#">Acts 1999, 76th Leg., ch. 1505 (S.B. 374), § 2.01</a>, effective September 1, 2003; am. <a href="#">Acts 2001, 77th Leg., ch. 592 (S.B. 535), § 1</a>, effective September 1, 2001; am. <a href="#">Acts 2003, 78th Leg., ch. 198, § 1.28(3)</a>; effective September 1, 2003; am. <a href="#">Acts 2015, 84th Leg., ch. 1 (S.B. 219), § 4.002</a>, effective April 2, 2015.</p> <p>Human Resources Code<br/>Title 2 Human Services and Protective Services in General<br/>Subtitle C Assistance Programs<br/>Chapter 32 Medical Assistance Program<br/>Subchapter B Administrative Provisions</p> <p>Tex. Hum. Res. Code § 32.039 - Damages and Penalties.</p> <p>(a) In this section:</p> <p>(1) “Claim” means an application, request, or demand for a benefit or payment under Title XIX of the Social Security Act (42 U.S.C. Section 1396 et seq.) .</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|                 | <p>(1-a) “Inducement” includes a service, cash in any amount, entertainment, or any item of value.</p> <p>(2) “Managed care organization” means any entity or person that is authorized or otherwise permitted by law to arrange for or provide a managed care plan.</p> <p>(3) “Managed care plan” means a plan under which a person undertakes to provide, arrange for, pay for, or reimburse any part of the cost of any health care service. A part of the plan must consist of arranging for or providing health care services as distinguished from indemnification against the cost of those services on a prepaid basis through insurance or otherwise. The term does not include a plan that indemnifies a person for the cost of health care services through insurance.</p> <p>(3-a) “Material” means having a natural tendency to influence or to be capable of influencing.</p> <p>(4) Repealed by Acts 2025, 89th Leg., ch. 12 (S.B. 1038), § 7(1).</p> <p>(a-1) For purposes of this section, a person acts knowingly with respect to information if the person:</p> <p>(1) has knowledge of the information;</p> <p>(2) acts with conscious indifference to the truth or falsity of the information; or</p> <p>(3) acts in reckless disregard of the truth or falsity of the information.</p> <p>(a-2) Proof of the person's specific intent to commit a violation under this section is not required in a civil or administrative proceeding to show that the person acted "knowingly" with respect to information under this section.</p> <p>(b) A person commits a violation if the person:</p> <p>(1) knowingly submits or causes to be submitted a claim that contains:</p> <p>(A) a false statement;</p> <p>(B) a misrepresentation; or</p> <p>(C) an omission of a material fact ;</p> <p>(2) engages in conduct that violates Section 102.001, Occupations Code;</p> <p>(3) solicits or receives, directly or indirectly, overtly or covertly any remuneration, including any kickback, bribe, or rebate, in cash or in kind for referring an individual to a person for the furnishing of, or for arranging the furnishing of, any item or service for which payment may be made, in whole or in part, under the medical assistance program, provided that this subdivision does not prohibit the referral of a patient to another practitioner within a multispecialty group or university medical services research and development plan (practice plan) for medically necessary services;</p> <p>(4) solicits or receives, directly or indirectly, overtly or covertly any remuneration, including any kickback, bribe, or rebate, in cash or in kind for purchasing, leasing, or ordering, or arranging for or recommending the purchasing, leasing, or ordering of, any good, facility, service, or item for which payment may be made, in whole or in part, under the medical assistance program;</p> <p>(5) offers or pays, directly or indirectly, overtly or covertly any remuneration, including any kickback, bribe, or rebate, in cash or in kind to induce a person to refer an individual to another person for the furnishing of, or for arranging the furnishing of, any item or service for which payment may be made, in whole or in part, under the medical assistance program, provided that this subdivision does not prohibit the referral of a patient to another practitioner within a multispecialty group or university medical services research and development plan (practice plan) for medically necessary services;</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|                 | <p>(6) offers or pays, directly or indirectly, overtly or covertly any remuneration, including any kickback, bribe, or rebate, in cash or in kind to induce a person to purchase, lease, or order, or arrange for or recommend the purchase, lease, or order of, any good, facility, service, or item for which payment may be made, in whole or in part, under the medical assistance program;</p> <p>(7) provides, offers, or receives an inducement in a manner or for a purpose not otherwise prohibited by this section or Section 102.001, Occupations Code, to or from a person, including a recipient, provider, employee or agent of a provider, third-party vendor, or public servant, for the purpose of influencing or being influenced in a decision regarding:</p> <p>(A) selection of a provider or receipt of a good or service under the medical assistance program;</p> <p>(B) the use of goods or services provided under the medical assistance program; or</p> <p>(C) the inclusion or exclusion of goods or services available under the medical assistance program;</p> <p>(8) knowingly makes or causes to be made a false statement or misrepresentation of a material fact to permit a person to receive a benefit or payment under the medical assistance program that is not authorized or that is greater than the benefit or payment that is authorized;</p> <p>(9) knowingly conceals or fails to disclose information that permits a person to receive a benefit or payment under the medical assistance program that is not authorized or that is greater than the benefit or payment that is authorized;</p> <p>(10) knowingly applies for and receives a benefit or payment on behalf of another person under the medical assistance program and converts any part of the benefit or payment to a use other than for the benefit of the person on whose behalf it was received;</p> <p>(11) knowingly makes, causes to be made, induces, or seeks to induce the making of a false statement or misrepresentation of a material fact concerning the conditions or operation of a facility in order that the facility may qualify for certification or recertification under the medical assistance program, including certification or recertification as:</p> <p>(A) a hospital;</p> <p>(B) a nursing facility or skilled nursing facility;</p> <p>(C) a hospice provider;</p> <p>(D) an intermediate care facility for individuals with an intellectual disability;</p> <p>(E) an assisted living facility; or</p> <p>(F) a home and community support services agency;</p> <p>(12) knowingly makes, causes to be made, induces, or seeks to induce the making of a false statement or misrepresentation of a material fact concerning information required to be provided under a federal or state law, rule, regulation, or provider agreement pertaining to the medical assistance program;</p> <p>(13) knowingly presents or causes to be presented a claim for payment for a product provided or a service rendered by a person who:</p> <p>(A) is not licensed to provide the product or render the service, if a license is required; or</p> <p>(B) is not licensed in the manner claimed;</p> <p>(14) knowingly makes or causes to be made a claim for:</p> <p>(A) a service or product that has not been approved or accepted by a treating physician or health care practitioner;</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|                 | <p>(B) a service or product that is substantially inadequate or inappropriate as compared to generally recognized standards within the particular discipline or within the health care industry; or</p> <p>(C) a product that has been adulterated, debased, or mislabeled, or that is otherwise inappropriate;</p> <p>(15) makes a claim and knowingly fails to indicate the type of license of the provider who actually provided the service;</p> <p>(16) makes a claim and knowingly fails to indicate the identification number of the licensed provider who actually provided the service;</p> <p>(17) knowingly obstructs the office of inspector general from carrying out the office's duties under Section 544.0103, Government Code;</p> <p>(18) knowingly makes, uses, or causes the making or use of a false record or statement material to an obligation to pay or transmit money or property to this state under the medical assistance program, or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to this state under the medical assistance program;</p> <p>(19) is a managed care organization that contracts with the commission to provide or arrange to provide health care benefits or services to individuals eligible for medical assistance and:</p> <p>(A) fails to provide to an individual a health care benefit or service that the organization is required to provide under the contract with the commission;</p> <p>(B) fails to provide to the commission or other appropriate agency information required to be provided by law, commission or agency rule, or contractual provision;</p> <p>(C) engages in a fraudulent activity in connection with the enrollment in the organization's managed care plan of an individual eligible for medical assistance or in connection with marketing the organization's services to an individual eligible for medical assistance; or</p> <p>(D) engages in actions that indicate a pattern of:</p> <p>(i) wrongful denial of payment for a health care benefit or service that the organization is required to provide under the contract with the commission; or</p> <p>(ii) wrongful delay of at least 45 days or a longer period specified in the contract with the commission, not to exceed 60 days, in making payment for a health care benefit or service that the organization is required to provide under the contract with the commission;</p> <p>(20) fails to maintain documentation to support a claim for payment in accordance with the requirements specified by commission rule or medical assistance program policy; or</p> <p>(21) engages in any other conduct that a commission rule has defined as a violation of the medical assistance program.</p> <p>(b-1) Repealed by Acts 2025, 89th Leg., ch. 12 (S.B. 1038), § 7(2).</p> <p>(c) A person who commits a violation under Subsection (b) is liable to the commission for the following administrative remedy:</p> <p>(1) the amount paid or benefit received, if any, directly or indirectly as a result of the violation, including any payment made to a third party, and interest on that amount determined at the rate provided by law for legal judgments and accruing from the date on which the payment was made; and</p> <p>(2) payment of an administrative penalty of an amount not to exceed twice the amount paid, if any, as a result of the violation, plus an amount:</p> <p>(A) not less than \$5,000 or more than \$15,000 or the maximum dollar amount imposed as provided by 31 U.S.C. Section 3729(a)(1), if that amount exceeds \$15,000, for each violation that results in injury to an elderly person, as defined by Section 48.002(a)(1), a person with a disability, as defined by Section 48.002(a)(8)(A), or a person younger than 18 years of age; or</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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|                 | <p>(B) not more than \$10,000 or the maximum dollar amount imposed as provided by 31 U.S.C. Section 3729(a)(1), if that amount exceeds \$10,000, for each violation that does not result in injury to a person described by Paragraph (A).</p> <p>(c-1) For purposes of Subsection (c)(2), each day a person violates Subsection (b)(17), (18), or (19) constitutes a separate violation.</p> <p>(c-2) Notwithstanding Subsection (c), a person who commits a violation described by Subsection (b)(20) is liable to the commission for, as determined by the commission, either:</p> <p>(1) the amount paid in response to the claim for payment; or</p> <p>(2) the payment of an administrative penalty in an amount not to exceed \$500 for each violation.</p> <p>(d) Unless the provider knowingly submitted false or misleading information to the commission for use in preparing a voucher or knowingly failed to correct false or misleading information when provided an opportunity to do so, this section does not apply to a claim based on the voucher if the commission calculated and printed the amount of the claim on the voucher and then submitted the voucher to the provider for the provider's signature. In addition, the provider's signature on the voucher does not constitute fraud. The executive commissioner shall adopt rules that establish a grace period during which errors contained in a voucher prepared by the commission may be corrected without penalty to the provider.</p> <p>(e) In determining the amount of the penalty to be assessed under Subsection (c)(2), the commission shall consider:</p> <p>(1) the seriousness of the violation;</p> <p>(2) whether the person had previously committed a violation; and</p> <p>(3) the amount necessary to deter the person from committing future violations.</p> <p>(f) If after an examination of the facts the commission concludes that the person committed a violation, the commission may issue a preliminary report stating the facts on which it based its conclusion, recommending that an administrative remedy under this section be imposed and recommending the amount of the proposed remedy .</p> <p>(g) The commission shall give written notice of the report to the person charged with committing the violation. The notice must include:</p> <p>(1) a brief summary of the facts;</p> <p>(2) a statement of the amount of the recommended remedy;</p> <p>(3) a statement of the person's right to an informal review of:</p> <p>(A) the alleged violation;</p> <p>(B) the amount of the recommended remedy; or</p> <p>(C) both the alleged violation and the amount of the recommended remedy; and</p> <p>(4) a description of the administrative and judicial due process remedies available to the person .</p> <p>(h) Not later than the 30th day after the date on which the person charged with committing the violation receives the notice, the person may either give the commission written consent to the report, including the recommended remedy , or make a written request for an informal review by the commission.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|                 | <p>(i) If the person charged with committing the violation consents to the remedy recommended by the commission or fails to timely request an informal review, the commission shall assess the remedy . The commission shall give the person written notice of its action. The person shall pay the remedy not later than the 30th day after the date on which the person receives the notice.</p> <p>(j) If the person charged with committing the violation requests an informal review as provided by Subsection (h), the commission shall conduct the review. The commission shall give the person written notice of the results of the review.</p> <p>(k) Not later than the 30th day after the date on which the person charged with committing the violation receives the notice prescribed by Subsection (j), the person may make to the commission a written request for a hearing. The hearing must be conducted in accordance with Chapter 2001, Government Code.</p> <p>(l) If, after informal review, a person who has been ordered to pay a remedy fails to request a formal hearing in a timely manner, the commission shall assess the remedy . The commission shall give the person written notice of its action. The person shall pay the remedy not later than the 30th day after the date on which the person receives the notice.</p> <p>(m) Within 30 days after the date on which the commission's order issued after a hearing under Subsection (k) becomes final as provided by Section 2001.144, Government Code, the person shall:</p> <p>(1) pay the amount of the remedy ;</p> <p>(2) pay the amount of the remedy and file a petition for judicial review contesting the occurrence of the violation, the amount of the remedy , or both the occurrence of the violation and the amount of the remedy ; or</p> <p>(3) without paying the amount of the remedy , file a petition for judicial review contesting the occurrence of the violation, the amount of the remedy , or both the occurrence of the violation and the amount of the remedy .</p> <p>(n) A person who acts under Subsection (m)(3) within the 30-day period may:</p> <p>(1) stay enforcement of the remedy by:</p> <p>(A) paying the amount of the remedy to the court for placement in an escrow account; or</p> <p>(B) giving to the court a supersedeas bond that is approved by the court for the amount of the remedy and that is effective until all judicial review of the commission's order is final; or</p> <p>(2) request the court to stay enforcement of the remedy by:</p> <p>(A) filing with the court a sworn affidavit of the person stating that the person is financially unable to pay the amount of the remedy and is financially unable to give the supersedeas bond; and</p> <p>(B) giving a copy of the affidavit to the executive commissioner by certified mail.</p> <p>(o) If the executive commissioner receives a copy of an affidavit under Subsection (n)(2), the executive commissioner may file with the court, within five days after the date the copy is received, a contest to the affidavit. The court shall hold a hearing on the facts alleged in the affidavit as soon as practicable and shall stay the enforcement of the remedy on finding that the alleged facts are true. The person who files an affidavit has the burden of proving that the person is financially unable to pay the amount of the remedy and to give a supersedeas bond.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|                 | <p>(p) If the person charged does not pay the amount of the remedy and the enforcement of the remedy is not stayed, the commission may forward the matter to the attorney general for enforcement of the remedy and interest as provided by law for legal judgments. An action to enforce a remedy order under this section must be initiated in a court of competent jurisdiction in Travis County or in the county in which the violation was committed.</p> <p>(q) Judicial review of a commission order or review under this section assessing a remedy is under the substantial evidence rule. A suit may be initiated by filing a petition with a district court in Travis County, as provided by Subchapter G, Chapter 2001, Government Code.<sup>1</sup></p> <p>(r) If a remedy is reduced or not assessed, the commission shall remit to the person the appropriate amount plus accrued interest if the remedy has been paid or shall execute a release of the bond if a supersedeas bond has been posted. The accrued interest on amounts remitted by the commission under this subsection shall be paid at a rate equal to the rate provided by law for legal judgments and shall be paid for the period beginning on the date the remedy is paid to the commission under this section and ending on the date the remedy is remitted.</p> <p>(s) A remedy collected under this section is not an allowable expense in a claim or cost report that is or could be used to determine a rate or payment under the medical assistance program.</p> <p>(t) All funds collected under this section shall be deposited in the State Treasury to the credit of the General Revenue Fund.</p> <p>(u) Except as provided by Subsection (w), a person found liable for a violation under Subsection (c) that resulted in injury to an elderly person, as defined by Section 48.002(a)(1), a person with a disability, as defined by Section 48.002(a)(8)(A), or a person younger than 18 years of age may not provide or arrange to provide health care services under the medical assistance program for a period of 10 years. The executive commissioner by rule may provide for a period of ineligibility longer than 10 years. The period of ineligibility begins on the date on which the determination that the person is liable becomes final.</p> <p>(v) Except as provided by Subsection (w), a person found liable for a violation under Subsection (c) that did not result in injury to an elderly person, as defined by Section 48.002(a)(1), a person with a disability, as defined by Section 48.002(a)(8)(A), or a person younger than 18 years of age may not provide or arrange to provide health care services under the medical assistance program for a period of three years. The executive commissioner by rule may provide for a period of ineligibility longer than three years. The period of ineligibility begins on the date on which the determination that the person is liable becomes final.</p> <p>(w) The executive commissioner by rule may prescribe criteria under which a person described by Subsection (u) or (v) is not prohibited from providing or arranging to provide health care services under the medical assistance program. The criteria may include consideration of:</p> <p>(1) the person's knowledge of the violation;</p> <p>(2) the likelihood that education provided to the person would be sufficient to prevent future violations;</p> <p>(3) the potential impact on availability of services in the community served by the person; and</p> <p>(4) any other reasonable factor identified by the executive commissioner.</p> <p>(x) Subsections (b)(3) through (7) do not prohibit a person from engaging in:</p> <p>(1) generally accepted business practices, as determined by commission rule, including:</p> <p>(A) conducting a marketing campaign;</p> <p>(B) providing token items of minimal value that advertise the person's trade name; and</p> <p>(C) providing complimentary refreshments at an informational meeting promoting the person's goods or services;</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|                 | <p>(2) the provision of a value-added service if the person is a managed care organization; or</p> <p>(3) other conduct specifically authorized by law, including conduct authorized by federal safe harbor regulations (42 C.F.R. Section 1001.952).</p> <p>Credits</p> <p>Added by Acts 1987, 70th Leg., ch. 1052, § 2.04, eff. Sept. 1, 1987. Amended by Acts 1995, 74th Leg., ch. 76, § 5.95(49), (53), eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1153, § 3.01(a), eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 12, §§ 1, 2, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 257, §§ 4, 5, eff. Sept. 1, 2003; Acts 2007, 80th Leg., ch. 127, § 2, eff. Sept. 1, 2007; Acts 2011, 82nd Leg., ch. 879 (S.B. 223), § 3.16, eff. Sept. 1, 2011; Acts 2011, 82nd Leg., ch. 980 (H.B. 1720), § 29, eff. Sept. 1, 2011; Acts 2015, 84th Leg., ch. 1 (S.B. 219), §§ 4.113, 4.114, eff. April 2, 2015; Acts 2025, 89th Leg., ch. 12 (S.B. 1038), §§ 2, 3, 4, 7(1), 7(2), eff. Sept. 1, 2025.</p> <p>Footnotes</p> <p>Title 1 ADMINISTRATION</p> <p>Part 15 TEXAS HEALTH AND HUMAN SERVICES COMMISSION</p> <p>Chapter 357 HEARINGS</p> <p>Subchapter M FRAUD OR ABUSE INVOLVING MEDICAL PROVIDERS</p> <p>Rule §357.588 Administrative Sanctions and Actions</p> <p><a href="https://texas-sos.appianportalsgov.com/rules-and-meetings?\$locale=en_US&amp;interface=VIEW_TAC_SUMMARY&amp;queryAsDate=11%2F21%2F2025&amp;recordId=117004">https://texas-sos.appianportalsgov.com/rules-and-meetings?\$locale=en_US&amp;interface=VIEW_TAC_SUMMARY&amp;queryAsDate=11%2F21%2F2025&amp;recordId=117004</a></p> <p>TITLE 1. ADMINISTRATION</p> <p>PART 15. TEXAS HEALTH AND HUMAN SERVICES COMMISSION</p> <p>CHAPTER 371. MEDICAID AND OTHER HEALTH AND HUMAN SERVICES FRAUD AND ABUSE PROGRAM INTEGRITY</p> <p>SUBCHAPTER G. ADMINISTRATIVE ACTIONS AND SANCTIONS</p> <p>DIVISION 2. GROUNDS FOR ENFORCEMENT</p> <p>1 TAC § 371.1601 - 1 TAC § 371.1669</p> <p><a href="http://texreg.sos.state.tx.us/public/readtac\$ext.ViewTAC?tac_view=5&amp;ti=1&amp;pt=15&amp;ch=371&amp;sch=G">http://texreg.sos.state.tx.us/public/readtac\$ext.ViewTAC?tac_view=5&amp;ti=1&amp;pt=15&amp;ch=371&amp;sch=G</a></p> <p>TITLE 1. ADMINISTRATION</p> <p>PART 15. TEXAS HEALTH AND HUMAN SERVICES COMMISSION</p> <p>CHAPTER 371. MEDICAID AND OTHER HEALTH AND HUMAN SERVICES FRAUD AND ABUSE PROGRAM INTEGRITY</p> <p>SUBCHAPTER G. ADMINISTRATIVE ACTIONS AND SANCTIONS</p> <p>DIVISION 3. ADMINISTRATIVE ACTIONS AND SANCTIONS</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|                 | <p>1 TAC § 371.1669<br/>§ 371.1669. Self-Dealing<br/>Currentness<br/>A person is subject to administrative actions or sanctions if the person:</p> <p>(1) rebates or accepts a fee or a part of a fee or charge for a Medicaid or other HHS program patient referral;</p> <p>(2) solicits recipients or causes recipients to be solicited, through offers of transportation or otherwise, for the purpose of claiming payment related to those recipients;</p> <p>(3) knowingly offers to pay or agrees to accept, directly or indirectly, overtly or covertly, any remuneration in cash or in kind to or from another for securing or soliciting a patient or patronage for or from a person licensed, certified, or registered by a state health care regulatory agency or HHS agency;</p> <p>(4) knowingly offers to pay or agrees to accept, directly or indirectly, overtly or covertly, any remuneration in cash or in kind to or from another for securing or soliciting a patient or patronage for or from a person licensed, certified, or registered by a state health care regulatory agency, subject to the exceptions enumerated in Chapter 102, Texas Occupations Code;</p> <p>(5) solicits or receives, directly or indirectly, overtly or covertly, any remuneration, including any kickback, bribe, or rebate, in cash or in kind for referring an individual to a person for the furnishing of, or for arranging the furnishing of, any item or service for which payment may be made, in whole or in part, under the Medicaid or other HHS program, provided that this paragraph does not prohibit the referral of a patient to another practitioner within a multispecialty group or university medical services research and development plan (practice plan) for medically necessary services;</p> <p>(6) solicits or receives, directly or indirectly, overtly or covertly, any remuneration, including any kickback, bribe, or rebate, in cash or in kind for purchasing, leasing, or ordering, or arranging for or recommending the purchasing, leasing, or ordering of, any good, facility, service, or item for which payment may be made, in whole or in part, under the Medicaid or other HHS program;</p> <p>(7) offers or pays, directly or indirectly, overtly or covertly, any remuneration, including any kickback, bribe, or rebate, in cash or in kind to induce a person to refer an individual to another person for the furnishing of, or for arranging the furnishing of, any item or service for which payment may be made, in whole or in part, under the Medicaid or other HHS program, provided that this paragraph does not prohibit the referral of a patient to another practitioner within a multispecialty group or university medical services research and development plan (practice plan) for medically necessary services;</p> <p>(8) offers or pays, directly or indirectly, overtly or covertly, any remuneration, including any kickback, bribe, or rebate, in cash or in kind to induce a person to purchase, lease, or order, or arrange for or recommend the purchase, lease, or order of, any good, facility, service, or item for which payment may be made, in whole or in part, under the Medicaid or other HHS program;</p> <p>(9) provides, offers, or receives an inducement in a manner or for a purpose not otherwise prohibited by this section or §102.001, Texas Occupations Code, to or from a person, including a recipient, provider, employee or agent of a provider, third-party vendor, or public servant, for the purpose of influencing or being influenced in a decision regarding:</p> <p>(A) selection of a provider or receipt of a good or service under the Medicaid or other HHS program;</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|                 | <p>(B) the use of goods or services provided under the Medicaid or other HHS program; or</p> <p>(C) the inclusion or exclusion of goods or services available under the Medicaid program;</p> <p>(10) is a physician and refers a Medicaid or other HHS program recipient to an entity with which the physician has a financial relationship for the furnishing of designated health services, payment for which would be denied under Title XVIII (Medicare) pursuant to 42 U.S.C. §1395nn, §1396b(s) (Stark I, II, and III), the federal Anti-Kickback Statute, the Affordable Care Act, or other state or federal law prohibiting self-dealing or self-referral;</p> <p>(11) engages in marketing services in violation of Texas Government Code §545.0202, program rules, or contract and has not received prior authorization from the program for the marketing campaign; or</p> <p>(12) fails to disclose documentation of financial relationships necessary to establish compliance with §1877 and §1903(s) of the Social Security Act or 42 C.F.R. §§411.350-.389 (Stark I, II, and III), the federal Anti-Kickback Statute, the Affordable Care Act, or other state or federal law prohibiting self-dealing or self-referral.</p> <p>Credits</p> <p>1 TAC § 371.1619</p> <p><b>§ 371.1619. Award for Reporting Medicaid Fraud, Abuse, or Overcharges</b></p> <p>Currentness</p> <p>(a) The OIG may grant an award to a person who reports activity that constitutes fraud, waste, or abuse of funds in the Medicaid program or reports overcharges in the program if the OIG determines that the disclosure results in the recovery of a damage or penalty imposed under §32.039, Texas Human Resources Code, and described in this subchapter. Unless the person is the original source of the information as defined in §36.113(b), Texas Human Resources Code, the OIG may not grant an award to a person in connection with a report if:</p> <p>(1) The OIG or the OAG had independent knowledge of the activity;</p> <p>(2) The OIG or the OAG had an open complaint or investigation on the provider or person;</p> <p>(3) the state or any agent of the state was a party to civil or criminal proceedings in which the allegations were disclosed;</p> <p>(4) the allegations were disclosed in a legislative or administrative report, hearing, audit, or investigation; or</p> <p>(5) the allegations were disclosed by the news media.</p> <p>(b) A person who brings an action under Chapter 36, Subchapter C, Texas Human Resources Code is not eligible for an award under this section.</p> <p>(c) A person who makes a report under this section must make known at the time of the report of the complaint that they are reporting the potential fraud, waste, or abuse in accordance with this section.</p> <p>(d) The OIG determines, at its discretion, the amount of an award. The award may not exceed five percent of the amount of the administrative damage or penalty collected under this subchapter that resulted from the person's disclosure. In determining the amount of the award, the OIG considers how important the disclosure was in ensuring the fiscal integrity of the program. The OIG may also consider whether the individual participated in the fraud, waste, abuse, or overcharge.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|                 | <p>(e) The OIG pays an award made under this section only after collecting the funds to be awarded. Recovery of funds, including overpayments, damages and penalties, and any other collections from the provider or person committing the fraud, waste, or abuse, is applied in the following order:</p> <p>(1) the overpayment;</p> <p>(2) refund of the federal share of any overpayment, damages, or penalties;</p> <p>(3) the OIG's method of finance from the collected damages and penalties;</p> <p>(4) the OIG's investigative costs from the collected damages and penalties;</p> <p>(5) other costs of recovery from the collected damages and penalties;</p> <p>(6) an award from the collected damages and penalties; and</p> <p>(7) any other accounts receivable against the person or provider.</p> <p>(f) The priority of application and distribution of the collected funds under subsection (e) of this section may be altered, at the discretion of the OIG, due to state or federal statute or other policy determinations.</p> <p>(g) The OIG calculates awards based on the collected state general revenue portion of the penalties and damages. If HHSC enters into global or national settlements where the federal government or other agencies receive a portion of the amount of damages or penalties, the award is calculated only on the remaining state general revenue share collected.</p> <p>(h) The OIG does not award a distribution unless the OIG has met its method of finance threshold for the biennium, as defined in the General Appropriations Act, from damages and penalties collected under this subchapter.</p> <p>(i) The person reporting a complaint has no discretion or authority over the OIG decision to allow a payment plan or to decide the terms of the payment plan.</p> <p>Credits</p> |
|                 | Qui Tam Actions & Remedies                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|                 | <p>V.T.C.A., Government Code § 531.101</p> <p><b>§ 531.101. Award for Reporting Medicaid Fraud, Abuse, or Overcharges</b></p> <p>V.T.C.A., Government Code § 544.0205</p> <p>Formerly cited as TX GOVT § 531.101</p> <p>§ 544.0205. Award for Reporting Medicaid Fraud, Abuse, or Overcharges</p> <p>Currentness</p> <p>(a) The commission may grant an award to an individual who reports activity that constitutes fraud or abuse of Medicaid funds or who reports Medicaid overcharges if the commission determines that the disclosure results in the recovery of a remedy imposed under Section 32.039, Human Resources Code. The commission may not grant an award to an individual in connection with a report if the commission or attorney general had independent knowledge of the activity the individual reported.</p> <p>(b) The commission shall determine the amount of an award. The award may not exceed five percent of the amount of the remedy imposed under Section 32.039, Human Resources Code, that resulted from the individual's disclosure. In determining the award amount, the commission:</p> <p>(1) shall consider how important the disclosure is in ensuring the fiscal integrity of Medicaid; and</p> <p>(2) may consider whether the individual participated in the fraud, abuse, or overcharge.</p> <p>(c) A person who brings an action under Subchapter C, Chapter 36, Human Resources Code, is not eligible for an award under this section..</p> |
|                 | <p><b>Whistle-blower Protections</b></p> <p>25 TAC § 133.43</p> <p><b>Discrimination or Retaliation Standards</b></p> <p>26 TAC § 505.43</p> <p>Formerly cited as 25 TX ADC § 133.43</p> <p>§ 505.43. Discrimination or Retaliation Standards</p> <p>Currentness</p> <p>&lt;For validity of former law, see Castillo v. Brownsville-Valley Reg'l Med. Ctr., Inc., 421 S.W.3d 263 (Tex. App.--Corpus Christi-Edinburg 2013, no pet.) &gt;</p> <p>(a) Posting requirements for reporting a violation of law. In accordance with Health and Safety Code (HSC), §161.134(j) and §161.135(h), each hospital shall prominently and conspicuously post for display in a public area of the hospital that is readily visible to patients, residents, employees, and visitors a statement that nonemployees, employees and staff are protected from discrimination or retaliation for reporting a violation of law. The statement shall be in English and in a second language appropriate to the demographic makeup of the community served.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

| State /Citation                  | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|                                  | <p>(b) Discrimination relating to employee reporting a violation of law. In accordance with HSC, §161.134(a), and §133.41(o)(2)(I)(i)(III) of this title (relating to Hospital Functions and Services), a hospital may not suspend or terminate the employment of, discipline, or otherwise discriminate against an employee for reporting in good faith to the employee's supervisor, an administrator of the hospital, a state or federal regulatory agency, a national accrediting organization or a law enforcement agency a violation of law, including a violation of the Act or this chapter. For purposes of this subsection, a report is not made in good faith if there is not a reasonable factual or legal basis for making the report.</p> <p>(c) Retaliation relating to nonemployee reporting a violation of law. In accordance with HSC, §161.135(a), a hospital may not retaliate against a person who is not an employee for reporting a violation of law, including a violation of the Act or this chapter.</p> <p>Credits</p> |
| Texas/Medicaid Fraud Prevention  | <b>Criminal and Civil Penalties for False Claims and Statements</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|                                  | Report Fraud @ <a href="#">How Do I Report Suspected Fraud or Misuse of State Resources?   Texas Health and Human Services</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Tex. Hum. Res. Code § 36.001-132 | Subchapter C Medicaid and Other Health and Human Services Fraud, Abuse, or Overcharges [Expires September 1, 2027]<br><a href="http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.531.htm">http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.531.htm</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Tex. Gov't Code § 531.101-106    | CHAPTER 36. MEDICAID FRAUD PREVENTION<br><a href="http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.36.htm">http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.36.htm</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Tex. Penal Code § 35A.02         | SUBCHAPTER A. GENERAL PROVISIONS<br><a href="http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.36.htm#36.001">http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.36.htm#36.001</a><br><br><i>V.T.C.A., Human Resources Code § 36.001</i><br><b>§ 36.001. Definitions</b><br><u><a href="#">Currentness</a></u><br><i>In this chapter:</i><br><i>(1) “Child health plan program” means the child health plan program established under Chapters 62 and 63, Health and Safety Code.</i><br><i>(1-a) “Claim” means a written or electronically submitted request or demand that:</i><br><i>(A) is signed by a provider or a fiscal agent and that identifies a product or service provided or purported to have been provided to a health care recipient as reimbursable under a health care program, without regard to whether the money that is requested or demanded is paid; or</i>                                                                                                                                                         |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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|                 | <p><i>(B) states the income earned or expense incurred by a provider in providing a product or a service and that is used to determine a rate of payment under a health care program.</i></p> <p><i>(2) “Documentary material” means a record, document, or other tangible item of any form, including:</i></p> <p><i>(A) a medical document or X ray prepared by a person in relation to the provision or purported provision of a product or service to a health care recipient;</i></p> <p><i>(B) a medical, professional, or business record relating to:</i></p> <p><i>(i) the provision of a product or service to a health care recipient; or</i></p> <p><i>(ii) a rate or amount paid or claimed for a product or service, including a record relating to a product or service provided to a person other than a health care recipient as needed to verify the rate or amount;</i></p> <p><i>(C) a record required to be kept by an agency that regulates health care providers; or</i></p> <p><i>(D) a record necessary to disclose the extent of services a provider furnishes to health care recipients.</i></p> <p><i>(3) “Fiscal agent” means:</i></p> <p><i>(A) a person who, through a contractual relationship with a state agency, receives, processes, and pays a claim under a health care program; or</i></p> <p><i>(B) the designated agent of a person described by Paragraph (A).</i></p> <p><i>(4) “Health care practitioner” means a dentist, podiatrist, psychologist, physical therapist, chiropractor, registered nurse, or other provider licensed to provide health care services in this state.</i></p> <p><i>(4-a) “Health care program” means:</i></p> <p><i>(A) the Medicaid program;</i></p> <p><i>(B) the child health plan program; and</i></p> <p><i>(C) the Healthy Texas Women program.</i></p> <p><i>(4-b) “Health care recipient” means an individual on whose behalf a person claims or receives a payment from a health care program or a fiscal agent, without regard to whether the individual was eligible for benefits under the health care program.</i></p> <p><i>(4-c) “Healthy Texas Women program” means a program operated by the commission that is substantially similar to the demonstration project operated under former Section 32.0248 and that is intended to expand access to preventive health and family planning services for women in this state.</i></p> <p><i>(5) “Managed care organization” means a person who is authorized or otherwise permitted by law to arrange for or provide a managed care plan .</i></p> <p><i>(5-a) “Material” means having a natural tendency to influence or to be capable of influencing.</i></p> <p><i>(6) Repealed by <a href="#">Acts 2023, 88th Leg., ch. 273</a> (S.B. 745), § 12.</i></p> <p><i>(7) Repealed by <a href="#">Acts 2023, 88th Leg., ch. 273</a> (S.B. 745), § 12.</i></p> <p><i>(7-a) “Obligation” means a duty, whether or not fixed, that arises from:</i></p> <p><i>(A) an express or implied contractual, grantor-grantee, or licensor-licensee relationship;</i></p> <p><i>(B) a fee-based or similar relationship;</i></p> <p><i>(C) a statute or regulation; or</i></p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|                 | <p>(D) the retention of any overpayment.</p> <p>(8) “Physician” means a physician licensed to practice medicine in this state.</p> <p>(9) “Provider” means a person who participates in or who has applied to participate in a health care program as a supplier of a product or service and includes:</p> <p>(A) a management company that manages, operates, or controls another provider;</p> <p>(B) a person, including a medical vendor, that provides a product or service to a provider or to a fiscal agent;</p> <p>(C) an employee of a provider;</p> <p>(D) a managed care organization; and</p> <p>(E) a manufacturer or distributor of a product for which a health care program provides reimbursement.</p> <p>(10) “Service” includes care or treatment of a health care recipient.</p> <p>(11) “Signed” means to have affixed a signature directly or indirectly by means of handwriting, typewriting, signature stamp, computer impulse, or other means recognized by law.</p> <p>(12) “Unlawful act” means an act declared to be unlawful under <a href="#">Section 36.002</a>.</p> <p><b>Credits</b></p> <p>Added by <a href="#">Acts 1995, 74th Leg., ch. 824, § 1, eff. Sept. 1, 1995</a>. Amended by <a href="#">Acts 1997, 75th Leg., ch. 1153, § 4.02, eff. Sept. 1, 1997</a>; <a href="#">Acts 2005, 79th Leg., ch. 806, § 1, eff. Sept. 1, 2005</a>; <a href="#">Acts 2011, 82nd Leg., ch. 398 (S.B. 544), § 1, eff. Sept. 1, 2011</a>; <a href="#">Acts 2015, 84th Leg., ch. 1 (S.B. 219), § 4.179, eff. April 2, 2015</a>; <a href="#">Acts 2023, 88th Leg., ch. 273 (S.B. 745), §§ 3, 12, eff. Sept. 1, 2023</a>.</p> <p><b>Tex. Hum. Res. Code § 36.002 - Unlawful Acts</b></p> <p>V.T.C.A., Human Resources Code § 36.002</p> <p><b>§ 36.002. Unlawful Acts</b></p> <p><a href="#">Currentness</a></p> <p>A person commits an unlawful act if the person:</p> <p>(1) knowingly makes or causes to be made a false statement or misrepresentation of a material fact to permit a person to receive a benefit or payment under a health care program that is not authorized or that is greater than the benefit or payment that is authorized;</p> <p>(2) knowingly conceals or fails to disclose information that permits a person to receive a benefit or payment under a health care program that is not authorized or that is greater than the benefit or payment that is authorized;</p> <p>(3) knowingly applies for and receives a benefit or payment on behalf of another person under a health care program and converts any part of the benefit or payment to a use other than for the benefit of the person on whose behalf it was received;</p> <p>(4) knowingly makes, causes to be made, induces, or seeks to induce the making of a false statement or misrepresentation of material fact concerning:</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|                 | <p>(A) the conditions or operation of a facility in order that the facility may qualify for certification or recertification required by a health care program, including certification or recertification as:</p> <p>(i) a hospital;</p> <p>(ii) a nursing facility or skilled nursing facility;</p> <p>(iii) a hospice;</p> <p>(iv) an ICF-IID;</p> <p>(v) an assisted living facility; or</p> <p>(vi) a home health agency; or</p> <p>(B) information required to be provided by a federal or state law, rule, regulation, or provider agreement pertaining to a health care program;</p> <p>(5) except as authorized under a health care program, knowingly pays, charges, solicits, accepts, or receives, in addition to an amount paid under the program, a gift, money, a donation, or other consideration as a condition to the provision of a service or product or the continued provision of a service or product if the cost of the service or product is paid for, in whole or in part, under the program;</p> <p>(6) knowingly presents or causes to be presented a claim for payment under a health care program for a product provided or a service rendered by a person who:</p> <p>(A) is not licensed to provide the product or render the service, if a license is required; or</p> <p>(B) is not licensed in the manner claimed;</p> <p>(7) knowingly makes or causes to be made a claim under a health care program for:</p> <p>(A) a service or product that has not been approved or acquiesced in by a treating physician or health care practitioner;</p> <p>(B) a service or product that is substantially inadequate or inappropriate when compared to generally recognized standards within the particular discipline or within the health care industry; or</p> <p>(C) a product that has been adulterated, debased, mislabeled, or that is otherwise inappropriate;</p> <p>(8) makes a claim under a health care program and knowingly fails to indicate the type of license and the identification number of the licensed health care provider who actually provided the service;</p> <p>(9) conspires to commit a violation of Subdivision (1), (2), (3), (4), (5), (6), (7), (8), (10), (11), (12), or (13);</p> <p>(10) is a managed care organization that contracts with the commission or other state agency to provide or arrange to provide health care benefits or services to individuals eligible under a health care program and knowingly:</p> <p>(A) fails to provide to an individual a health care benefit or service that the organization is required to provide under the contract;</p> <p>(B) fails to provide to the commission or appropriate state agency information required to be provided by law, commission or agency rule, or contractual provision; or</p> <p>(C) engages in a fraudulent activity in connection with the enrollment of an individual eligible under the program in the organization's managed care plan or in connection with marketing the organization's services to an individual eligible under the program;</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|                 | <p>(11) knowingly obstructs an investigation by the attorney general of an alleged unlawful act under this section;</p> <p>(12) knowingly makes, uses, or causes the making or use of a false record or statement material to an obligation to pay or transmit money or property to this state under a health care program, or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to this state under a health care program; or</p> <p>(13) knowingly engages in conduct that constitutes a violation under <a href="#">Section 32.039(b)</a>.</p> <p><b>Credits</b></p> <p>Added by <a href="#">Acts 1995, 74th Leg., ch. 824, § 1, eff. Sept. 1, 1995</a>. Amended by <a href="#">Acts 1997, 75th Leg., ch. 1153, § 4.03, eff. Sept. 1, 1997</a>; <a href="#">Acts 1999, 76th Leg., ch. 233, § 4, eff. Sept. 1, 1999</a>; <a href="#">Acts 2005, 79th Leg., ch. 806, § 3, eff. Sept. 1, 2005</a>; <a href="#">Acts 2007, 80th Leg., ch. 78, § 1, eff. Sept. 1, 2007</a>; <a href="#">Acts 2011, 82nd Leg., ch. 398 (S.B. 544), § 2, eff. Sept. 1, 2011</a>; <a href="#">Acts 2013, 83rd Leg., ch. 572 (S.B. 746), § 1, eff. Sept. 1, 2013</a>; <a href="#">Acts 2015, 84th Leg., ch. 1 (S.B. 219), § 4.180, eff. April 2, 2015</a>; <a href="#">Acts 2023, 88th Leg., ch. 273 (S.B. 745), § 4, eff. Sept. 1, 2023</a>.</p> <p>PENAL CODE<br/>TITLE 7. OFFENSES AGAINST PROPERTY<br/>CHAPTER 35A. MEDICAID FRAUD</p> <p><b>Tex. Penal Code § 35A.02</b></p> <p>§ 35A.02. <b>Medicaid Fraud</b></p> <p>(a) A person commits an offense if the person:</p> <p>(1) knowingly makes or causes to be made a false statement or misrepresentation of a material fact to permit a person to receive a benefit or payment under a health care program that is not authorized or that is greater than the benefit or payment that is authorized;</p> <p>(2) knowingly conceals or fails to disclose information that permits a person to receive a benefit or payment under a health care program that is not authorized or that is greater than the benefit or payment that is authorized;</p> <p>(3) knowingly applies for and receives a benefit or payment on behalf of another person under a health care program and converts any part of the benefit or payment to a use other than for the benefit of the person on whose behalf it was received;</p> <p>(4) knowingly makes, causes to be made, induces, or seeks to induce the making of a false statement or misrepresentation of material fact concerning:</p> <p>(A) the conditions or operation of a facility in order that the facility may qualify for certification or recertification under a health care program ; or</p> <p>(B) information required to be provided by a federal or state law, rule, regulation, or provider agreement pertaining to a health care program;</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|                 | <p>(5) except as authorized under a health care program, knowingly pays, charges, solicits, accepts, or receives, in addition to an amount paid under the health care program, a gift, money, donation, or other consideration as a condition to the provision of a service or product or the continued provision of a service or product if the cost of the service or product is paid for, in whole or in part, under a health care program;</p> <p>(6) knowingly presents or causes to be presented a claim for payment under a health care program for a product provided or a service rendered by a person who:</p> <p>(A) is not licensed to provide the product or render the service, if a license is required; or</p> <p>(B) is not licensed in the manner claimed;</p> <p>(7) knowingly makes or causes to be made a claim under a health care program for:</p> <p>(A) a service or product that has not been approved or acquiesced in by a treating physician or health care practitioner;</p> <p>(B) a service or product that is substantially inadequate or inappropriate when compared to generally recognized standards within the particular discipline or within the health care industry; or</p> <p>(C) a product that has been adulterated, debased, mislabeled, or that is otherwise inappropriate;</p> <p>(8) makes a claim under a health care program and knowingly fails to indicate the type of license and the identification number of the licensed health care practitioner who actually provided the service;</p> <p>(9) knowingly enters into an agreement, combination, or conspiracy to defraud the state or federal government by obtaining or aiding another person in obtaining an unauthorized payment or benefit from a health care program or fiscal agent;</p> <p>(10) is a managed care organization that contracts with the Health and Human Services Commission, another state agency, or the federal government to provide or arrange to provide health care benefits or services to individuals eligible under a health care program and knowingly:</p> <p>(A) fails to provide to an individual a health care benefit or service that the organization is required to provide under the contract;</p> <p>(B) fails to provide or falsifies information required to be provided by law, rule, or contractual provision; or</p> <p>(C) engages in a fraudulent activity in connection with the enrollment of an individual eligible under a health care program in the organization's managed care plan or in connection with marketing the organization's services to an individual eligible under a health care program;</p> <p>(11) knowingly obstructs an investigation by the attorney general of an alleged unlawful act under this section or under <a href="#">Section 32.039</a>, <a href="#">32.0391</a>, or <a href="#">36.002, Human Resources Code</a>; or</p> <p>(12) knowingly makes, uses, or causes the making or use of a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to this state or the federal government under a health care program.</p> <p>(b) An offense under this section is:</p> <p>(1) a Class C misdemeanor if the amount of any payment or the value of any monetary or in-kind benefit provided or claim for payment made under a health care program, directly or indirectly, as a result of the conduct is less than \$100;</p> <p>(2) a Class B misdemeanor if the amount of any payment or the value of any monetary or in-kind benefit provided or claim for payment made under a health care program, directly or indirectly, as a result of the conduct is \$100 or more but less than \$750;</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|                 | <p>(3) a Class A misdemeanor if the amount of any payment or the value of any monetary or in-kind benefit provided or claim for payment made under a health care program, directly or indirectly, as a result of the conduct is \$750 or more but less than \$2,500;</p> <p>(4) a state jail felony if:</p> <p>(A) the amount of any payment or the value of any monetary or in-kind benefit provided or claim for payment made under a health care program, directly or indirectly, as a result of the conduct is \$2,500 or more but less than \$30,000;</p> <p>(B) the offense is committed under Subsection (a)(11); or</p> <p>(C) it is shown on the trial of the offense that the amount of the payment or value of the benefit described by this subsection cannot be reasonably ascertained;</p> <p>(5) a felony of the third degree if:</p> <p>(A) the amount of any payment or the value of any monetary or in-kind benefit provided or claim for payment made under a health care program, directly or indirectly, as a result of the conduct is \$30,000 or more but less than \$150,000; or</p> <p>(B) it is shown on the trial of the offense that the defendant submitted more than 25 but fewer than 50 fraudulent claims under a health care program and the submission of each claim constitutes conduct prohibited by Subsection (a);</p> <p>(6) a felony of the second degree if:</p> <p>(A) the amount of any payment or the value of any monetary or in-kind benefit provided or claim for payment made under a health care program, directly or indirectly, as a result of the conduct is \$150,000 or more but less than \$300,000; or</p> <p>(B) it is shown on the trial of the offense that the defendant submitted 50 or more fraudulent claims under a health care program and the submission of each claim constitutes conduct prohibited by Subsection (a); or</p> <p>(7) a felony of the first degree if the amount of any payment or the value of any monetary or in-kind benefit provided or claim for payment made under a health care program, directly or indirectly, as a result of the conduct is \$300,000 or more.</p> <p>(c) If conduct constituting an offense under this section also constitutes an offense under another section of this code or another provision of law, the actor may be prosecuted under either this section or the other section or provision or both this section and the other section or provision.</p> <p>(d) When multiple payments or monetary or in-kind benefits are provided under one or more health care programs as a result of one scheme or continuing course of conduct, the conduct may be considered as one offense and the amounts of the payments or monetary or in-kind benefits aggregated in determining the grade of the offense.</p> <p>(e) The punishment prescribed for an offense under this section, other than the punishment prescribed by Subsection (b)(7), is increased to the punishment prescribed for the next highest category of offense if it is shown beyond a reasonable doubt on the trial of the offense that the actor was a high managerial agent at the time of the offense.</p> <p>(f) With the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with that consenting local prosecutor to prosecute an offense under this section that involves a health care program.</p> <p><b>Credits</b></p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|                 | <p>Added by <a href="#">Acts 2005, 79th Leg., ch. 806, § 16, eff. Sept. 1, 2005</a>. Amended by <a href="#">Acts 2007, 80th Leg., ch. 127, § 5, eff. Sept. 1, 2007</a>; <a href="#">Acts 2011, 82nd Leg., ch. 398 (S.B. 544), § 8, eff. Sept. 1, 2011</a>; <a href="#">Acts 2011, 82nd Leg., ch. 620 (S.B. 688), § 9, eff. Sept. 1, 2011</a>; <a href="#">Acts 2015, 84th Leg., ch. 1251 (H.B. 1396), § 27, eff. Sept. 1, 2015</a>; <a href="#">Acts 2019, 86th Leg., ch. 381 (H.B. 2894), § 6, eff. Sept. 1, 2019</a>.</p> <p>Tex. Hum. Res. Code § 36.051 - <b>Injunctive Relief.</b></p> <p><b>(a)</b> If the attorney general has reason to believe that a person is committing, has committed, or is about to commit an unlawful act, the attorney general may institute an action for an appropriate order to restrain the person from committing or continuing to commit the act.</p> <p><b>(b)</b> An action under this section shall be brought in a district court of Travis County or of a county in which any part of the unlawful act occurred, is occurring, or is about to occur.</p> <p><b>History:</b> Enacted by <a href="#">Acts 1995, 74th Leg., ch. 824 (H.B. 2523), § 1</a>, effective September 1, 1995; am. <a href="#">Acts 1997, 75th Leg., ch. 1153 (S.B. 30), § 4.01(b)</a>, effective September 1, 1997 (renumbered from Sec. 36.003).</p> <p>Tex. Hum. Res. Code § 36.052 - <b>Civil Remedies.</b></p> <p><b>(a)</b> Except as provided by Subsection (c), a person who commits an unlawful act is liable to the state for:</p> <p>(1) the amount of any payment or the value of any monetary or in-kind benefit provided under a health care program, directly or indirectly, as a result of the unlawful act, including any payment made to a third party;</p> <p>(2) interest on the amount of the payment or the value of the benefit described by Subdivision (1) at the prejudgment interest rate in effect on the day the payment or benefit was received or paid, for the period from the date the benefit was received or paid to the date that the state recovers the amount of the payment or value of the benefit;</p> <p>(3) a civil penalty of:</p> <p>(A) not less than \$5,500 or the minimum amount imposed as provided by <a href="#">31 U.S.C. Section 3729(a)</a>, if that amount exceeds \$5,500, and not more than \$15,000 or the maximum amount imposed as provided by <a href="#">31 U.S.C. Section 3729(a)</a>, if that amount exceeds \$15,000, for each unlawful act committed by the person that results in injury to an elderly person, as defined by <a href="#">Section 48.002(a)(1)</a>, a person with a disability, as defined by <a href="#">Section 48.002(a)(8)(A)</a>, or a person younger than 18 years of age; or</p> <p>(B) not less than \$5,500 or the minimum amount imposed as provided by <a href="#">31 U.S.C. Section 3729(a)</a>, if that amount exceeds \$5,500, and not more than \$11,000 or the maximum amount imposed as provided by <a href="#">31 U.S.C. Section 3729(a)</a>, if that amount exceeds \$11,000, for each unlawful act committed by the person that does not result in injury to a person described by Paragraph (A); and</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|                 | <p>(4) two times the amount of the payment or the value of the benefit described by Subdivision (1).</p> <p>(b) In determining the amount of the civil penalty described by Subsection (a)(3), the trier of fact shall consider:</p> <p>(1) whether the person has previously violated the provisions of this chapter;</p> <p>(2) the seriousness of the unlawful act committed by the person, including the nature, circumstances, extent, and gravity of the unlawful act;</p> <p>(3) whether the health and safety of the public or an individual was threatened by the unlawful act;</p> <p>(4) whether the person acted in bad faith when the person engaged in the conduct that formed the basis of the unlawful act; and</p> <p>(5) the amount necessary to deter future unlawful acts.</p> <p>(c) The trier of fact may assess a total of not more than two times the amount of a payment or the value of a benefit described by Subsection (a)(1) if the trier of fact finds that:</p> <p>(1) the person furnished the attorney general with all information known to the person about the unlawful act not later than the 30th day after the date on which the person first obtained the information; and</p> <p>(2) at the time the person furnished all the information to the attorney general, the attorney general had not yet begun an investigation under this chapter.</p> <p>(d) An action under this section shall be brought in Travis County or in a county in which any part of the unlawful act occurred.</p> <p>(e) The attorney general may:</p> <p>(1) bring an action for civil remedies under this section together with a suit for injunctive relief under <a href="#">Section 36.051</a>; or</p> <p>(2) institute an action for civil remedies independently of an action for injunctive relief.</p> <p><b>Credits</b></p> <p>Added by <a href="#">Acts 1995, 74th Leg., ch. 824, § 1, eff. Sept. 1, 1995</a>. Redesignated from <a href="#">V.T.C.A., Human Resources Code § 36.004</a> by <a href="#">Acts 1997, 75th Leg., ch. 1153, § 4.01(b), eff. Sept. 1, 1997</a>. Amended by <a href="#">Acts 1997, 75th Leg., ch. 1153, § 4.04, eff. Sept. 1, 1997</a>; <a href="#">Acts 2005, 79th Leg., ch. 806, § 7, eff. Sept. 1, 2005</a>; <a href="#">Acts 2007, 80th Leg., ch. 29, § 1, eff. May 4, 2007</a>; <a href="#">Acts 2011, 82nd Leg., ch. 398 (S.B. 544), § 3, eff. Sept. 1, 2011</a>; <a href="#">Acts 2015, 84th Leg., ch. 1 (S.B. 219), § 4.183, eff. April 2, 2015</a>; <a href="#">Acts 2023, 88th Leg., ch. 273 (S.B. 745), § 8, eff. Sept. 1, 2023</a>.</p> |
|                 | <p><b>Qui Tam Actions &amp; Remedies</b></p> <p><b>Tex. Hum. Res. Code § 36.101 - Action by Private Person Authorized</b></p> <p>§ 36.101. Action by Private Person Authorized</p> <p>(a) A person may bring a civil action for a violation of Section 36.002 for the person and for the state. The action shall be brought in the name of the person and of the state.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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|                 | <p>(b) In an action brought under this subchapter, a person who violates Section 36.002 is liable as provided by Section 36.052.</p> <p>📌<b>History:</b> Enacted by <a href="#">Acts 1997, 75th Leg., ch. 1153 (S.B. 30)</a>, § 4.08, effective September 1, 1997.</p> <p>Tex. Hum. Res. Code § 36.102 - <b>Initiation of Action.</b></p> <p><b>V.T.C.A., Human Resources Code § 36.102</b><br/><b>§ 36.102. Initiation of Action; Consent Required for Dismissal</b><br/><b><u>Currentness</u></b></p> <p>(a) A person bringing an action under this subchapter shall serve a copy of the petition and a written disclosure of substantially all material evidence and information the person possesses on the attorney general in compliance with the Texas Rules of Civil Procedure.</p> <p>(b) The petition shall be filed in camera and, except as provided by Subsection (c-1) or (d), shall remain under seal until at least the 180th day after the date the petition is filed or the date on which the state elects to intervene, whichever is earlier. The petition may not be served on the defendant until the court orders service on the defendant.</p> <p>(c) The state may elect to intervene and proceed with the action not later than the 180th day after the date the attorney general receives the petition and the material evidence and information.</p> <p>(c-1) At the time the state intervenes, the attorney general may file a motion with the court requesting that the petition remain under seal for an extended period.</p> <p>(d) The state may, for good cause shown, move the court to extend the 180-day deadline under Subsection (b) or (c). A motion under this subsection may be supported by affidavits or other submissions in camera.</p> <p>(e) An action under this subchapter may be dismissed only if the court and the attorney general consent in writing to the dismissal and state their reasons for consenting.</p> <p><b>Credits</b><br/><b>Added by <a href="#">Acts 1997, 75th Leg., ch. 1153, § 4.08, eff. Sept. 1, 1997</a>. Amended by <a href="#">Acts 2005, 79th Leg., ch. 806, § 10, eff. Sept. 1, 2005</a>; <a href="#">Acts 2019, 86th Leg., ch. 97 (H.B. 2004), §§ 1, 2, eff. Sept. 1, 2019</a>.</b></p> <p>Tex. Hum. Res. Code § 36.110 - <b>Award to Private Plaintiff.</b></p> <p><b>(a)</b> If the state proceeds with an action under this subchapter, the person bringing the action is entitled, except as provided by Subsection (b), to receive at least 15 percent but not more than 25 percent of the proceeds of the action, depending on the extent to which the person substantially contributed to the prosecution of the action.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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|                 | <p><b>(a-1)</b> If the state does not proceed with an action under this subchapter, the person bringing the action is entitled, except as provided by Subsection (b), to receive at least 25 percent but not more than 30 percent of the proceeds of the action. The entitlement of a person under this subsection is not affected by any subsequent intervention in the action by the state in accordance with Section 36.104(b-1).</p> <p><b>(b)</b> If the court finds that the action is based primarily on disclosures of specific information, other than information provided by the person bringing the action, relating to allegations or transactions in a Texas or federal criminal or civil hearing, in a Texas or federal legislative or administrative report, hearing, audit, or investigation, or from the news media, the court may award the amount the court considers appropriate but not more than 10 percent of the proceeds of the action. The court shall consider the significance of the information and the role of the person bringing the action in advancing the case to litigation.</p> <p><b>(c)</b> A payment to a person under this section shall be made from the proceeds of the action. A person receiving a payment under this section is also entitled to receive from the defendant an amount for reasonable expenses, reasonable attorney's fees, and costs that the court finds to have been necessarily incurred. The court's determination of expenses, fees, and costs to be awarded under this subsection shall be made only after the defendant has been found liable in the action or the claim is settled.</p> <p><b>(d)</b> In this section, "proceeds of the action" includes proceeds of a settlement of the action.</p> <p><b>History:</b> Enacted by <a href="#">Acts 1997, 75th Leg., ch. 1153 (S.B. 30), § 4.08</a>, effective September 1, 1997; am. <a href="#">Acts 2005, 79th Leg., ch. 806 (S.B. 563), § 13</a>, effective September 1, 2005; am. <a href="#">Acts 2007, 80th Leg., ch. 29 (S.B. 362), § 5</a>, effective May 4, 2007; am. <a href="#">Acts 2011, 82nd Leg., ch. 398 (S.B. 544), § 4</a>, effective September 1, 2011; am. <a href="#">Acts 2013, 83rd Leg., ch. 572 (S.B. 746), § 3</a>, effective September 1, 2013; am. <a href="#">Acts 2015, 84th Leg., ch. 1 (S.B. 219), § 4.184</a>, effective April 2, 2015</p> <p>Tex. Hum. Res. Code § 36.111 - <b>Reduction of Award.</b></p> <p><b>(a)</b> If the court finds that the action was brought by a person who planned and initiated the violation of Section 36.002 on which the action was brought, the court may, to the extent the court considers appropriate, reduce the share of the proceeds of the action the person would otherwise receive under Section 36.110, taking into account the person's role in advancing the case to litigation and any relevant circumstances pertaining to the violation.</p> <p><b>(b)</b> If the person bringing the action is convicted of criminal conduct arising from the person's role in the violation of Section 36.002, the court shall dismiss the person from the civil action and the person may not receive any share of the proceeds of the action. A dismissal under this subsection does not prejudice</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|                 | <p>the right of the state to continue the action.</p> <p>📌<b>History:</b> Enacted by <a href="#">Acts 1997, 75th Leg., ch. 1153 (S.B. 30), § 4.08</a>, effective September 1, 1997.</p> <p>Tex. Hum. Res. Code § 36.113 - <b>Certain Actions Barred.</b></p> <p><b>(a)</b> A person may not bring an action under this subchapter that is based on allegations or transactions that are the subject of a civil suit or an administrative penalty proceeding in which the state is already a party.</p> <p><b>(b)</b> The court shall dismiss an action or claim under this subchapter, unless opposed by the attorney general, if substantially the same allegations or transactions as alleged in the action or claim were publicly disclosed in a Texas or federal criminal or civil hearing in which the state or an agent of the state is a party, in a Texas legislative or administrative report, or other Texas hearing, audit, or investigation, or from the news media, unless the person bringing the action is an original source of the information. In this subsection, "original source" means an individual who:</p> <p style="padding-left: 40px;"><b>(1)</b> prior to a public disclosure under this subsection, has voluntarily disclosed to the state the information on which allegations or transactions in a claim are based; or</p> <p style="padding-left: 40px;"><b>(2)</b> has knowledge that is independent of and materially adds to the publicly disclosed allegation or transactions and who has voluntarily provided the information to the state before filing an action under this subchapter.</p> <p><b>(c)</b> [Repealed by <a href="#">Acts 2013, 83rd Leg., ch. 572 (S.B. 746), § 6</a>, effective September 1, 2013.]</p> <p>📌<b>History:</b> Enacted by <a href="#">Acts 1997, 75th Leg., ch. 1153 (S.B. 30), § 4.08</a>, effective September 1, 1997; am. <a href="#">Acts 2011, 82nd Leg., ch. 398 (S.B. 544), § 5</a>, effective September 1, 2011; am. <a href="#">Acts 2013, 83rd Leg., ch. 572 (S.B. 746), §§ 4, 6</a>, effective September 1, 2013.</p> <p>.</p> |
|                 | <b>Whistle-blower Protections</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                 | <p><b>Tex. Hum. Res. Code § 36.115</b></p> <p><b>Retaliation by Employer Against Person Bringing Suit Prohibited</b></p> <p>§ 36.115. Retaliation by Employer Against Person Bringing Suit Prohibited</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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|                                    | <p>(a) A person, including an employee, contractor, or agent, who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of a lawful act taken by the person or associated others in furtherance of an action under this subchapter, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed under this subchapter, or other efforts taken by the person to stop one or more violations of Section 36.002 is entitled to:</p> <p>(1) reinstatement with the same seniority status the person would have had but for the discrimination; and</p> <p>(2) not less than two times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney's fees.</p> <p>(b) A person may bring an action in the appropriate district court for the relief provided in this section.</p> <p>(c) A person must bring suit on an action under this section not later than the third anniversary of the date on which the cause of action accrues. For purposes of this section, the cause of action accrues on the date the retaliation occurs.</p> <p><b>HISTORY:</b> Enacted by Acts 1997, 75th Leg., ch. 1153 (S.B. 30), § 4.08, effective September 1, 1997; am. Acts 2011, 82nd Leg., ch. 398 (S.B. 544), §§ 6, 7, effective September 1, 2011; am. Acts 2013, 83rd Leg., ch. 572 (S.B. 746), § 5, effective September 1, 2013.</p> |
| <u>Wyoming</u>                     | <b>Criminal and Civil Penalties for False Claims and Statements</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Wy. Stat. § 42-4-301 - 306         | <i>Other Helpful Information About Medicaid Fraud &amp; Reporting Fraud</i><br>Wyoming Medicaid Program Integrity - <a href="https://health.wyo.gov/healthcarefin/program-integrity/">https://health.wyo.gov/healthcarefin/program-integrity/</a><br><a href="https://aq.wyo.gov/law-office-division/medicaid-fraud-control-unit">https://aq.wyo.gov/law-office-division/medicaid-fraud-control-unit</a><br><a href="https://aq.wyo.gov/law-office-division/medicaid-fraud-control-unit/frequently-asked-questions">https://aq.wyo.gov/law-office-division/medicaid-fraud-control-unit/frequently-asked-questions</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Wy. Stat. § 42-4-111               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Wy. Stat. § 9-11-101 to § 9-11-103 | <p>Wy. Stat. § 42-4-301 - <b>Short title.</b></p> <p>This act shall be known and may be cited as the "Wyoming Medicaid False Claims Act."</p> <p><b>HISTORY:</b> Laws 2013, ch. 118, § 1.</p> <p>Wy. Stat. § 42-4-302 - <b>Definitions.</b></p> <p><b>(a)</b> As used in this act:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|                 | <p>(i) "Claim" means any request or demand under the Medicaid program, whether under a contract or otherwise, for money, property or services that:</p> <p>(A) Is presented to an officer, employee or agent of the state or a political subdivision of the state; or</p> <p>(B) Is made to a contractor, grantee or other recipient, if the money or property is to be spent or used on the state's behalf or to advance a state program or interest, and if the state provides or has provided any portion of the money or property requested or demanded.</p> <p>(ii) "Material statement" means a statement that affects the payment or receipt of money or property;</p> <p>(iii) "This act" means <i>W.S. 42-4-301</i> through <i>42-4-306</i>.</p> <p><b>HISTORY:</b> Laws 2013, ch. 118, § 1.</p> <p><i>Wyo. Stat. § 42-4-303</i> - <b>Acts subjecting person to treble damages; costs and civil penalties; exceptions.</b></p> <p><b>W.S.1977 § 42-4-303</b><br/><b>§ 42-4-303. Acts subjecting person to treble damages; costs and civil penalties; exceptions</b><br/><u><a href="#">Currentness</a></u></p> <p>(a) Except as provided in subsection (c) of this section, any person who commits any of the following acts in relation to the Wyoming Medicaid program shall be liable to the state for three (3) times the amount of damages which the state sustains because of the act of that person. A person who commits any of the following acts shall also be liable to the state for the costs of a civil action brought to recover any penalties or damages provided in this subsection, and shall be liable to the state for a civil penalty of not less than one thousand dollars (\$1,000.00) and not more than ten thousand dollars (\$10,000.00) for each violation:</p> <p>(i) Knowingly presents or causes to be presented a false or fraudulent claim for payment or approval;</p> <p>(ii) Knowingly makes, uses or causes to be made or used, a false record or statement material to a false or fraudulent claim;</p> <p>(iii) Is a beneficiary of an inadvertent submission of a false claim to any employee, officer or agent of the state or a political subdivision of the state, or to any contractor, grantee or other recipient of state funds or funds of any political subdivision of the state, who subsequently discovers the falsity of the claim and fails to disclose the false claim and make satisfactory arrangements for repayment to the state or affected political subdivision within ninety (90) days after discovery of the false claim;</p> <p>(iv) Conspires to commit a violation of paragraph (i), (ii) or (iii) of this subsection.</p> <p>(b) Notwithstanding subsection (a) of this section, the court may assess not more than two (2) times the amount of damages which the state sustains because of the act in violation of subsection (a) of this section, and no civil penalty, if the court finds all of the following:</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|                 | <p>(i) The person committing the violation furnished officials of the state who are responsible for investigating false claims violations with all information known to that person about the violation within forty-five (45) days after the information is requested; and</p> <p>(ii) The person has substantially cooperated with any investigation by the state.</p> <p>(c) The provisions of subsections (a) and (b) of this section shall not apply to a recipient as defined by <a href="#">W.S. 42-1-101(a)(v)</a>. Any recipient who knowingly:</p> <p>(i) Presents or causes to be presented a false or fraudulent claim shall be liable to the state for the amount of damages which the state sustains because of the claim and shall be liable for a civil penalty of not more than one thousand dollars (\$1,000.00);</p> <p>(ii) Violates paragraph (i) of this subsection a second or subsequent time shall be liable to the state for three (3) times the amount of damages which the state sustains because of the claim and shall be liable for a civil penalty of not more than one thousand dollars (\$1,000.00).</p> <p>Credits<br/><a href="#">Laws 2013, ch. 118, § 1, eff. July 1, 2013.</a></p> <p><i>W.S.1977 § 42-4-304</i></p> <p><b>§ 42-4-304. Investigations and prosecutions; powers of prosecuting authority; remedies for retaliation; venue; no private right of action</b></p> <p><u>Currentness</u></p> <p><i>(a) The Medicaid fraud control unit created by <a href="#">W.S. 42-4-403</a> or a district attorney may investigate alleged violations of <a href="#">W.S. 42-4-303(a)</a> and <a href="#">(c)</a>. If the Medicaid fraud control unit or district attorney finds that a person has violated or is violating <a href="#">W.S. 42-4-303(a)</a> or <a href="#">(c)</a>, the unit or district attorney may bring a civil action under this section against that person.</i></p> <p><i>(b) Any employee, contractor or agent of a person being investigated for a violation of <a href="#">W.S. 42-4-303(a)</a> shall be entitled to recover all economic damages suffered if that employee, contractor or agent is discharged, demoted, suspended, threatened, harassed or in any other manner retaliated against in the terms and conditions of employment because of lawful acts taken in good faith by the employee or others in an action reported, filed or investigated under this act. An action by an employee, contractor or agent under this subsection shall not be brought more than three (3) years after the date when the retaliation occurred. A person may bring an action in the appropriate district court for the relief provided in this subsection. This subsection shall not otherwise be construed to create a private cause of action for violations of this act and is limited to the remedies expressly created by this subsection related to employment retaliation.</i></p> <p><i>(c) Except as provided in subsection (b) of this section, any action under this act may be brought in the district court of any county in which the defendant, or any of them, resides. If the defendant is not a resident of the state of Wyoming, the action shall be brought in the first judicial district court in Laramie County.</i></p> <p><i>(d) Except as provided in subsection (b) of this section, nothing in this act shall be construed to create a private cause of action.</i></p> <p><i>(e) The remedies provided in this act are separate from and additional to any remedies available under the State Government Fraud Reduction Act.</i></p> <p>Credits<br/><a href="#">Laws 2013, ch. 118, § 1, eff. July 1, 2013; Laws 2019, ch. 96, § 2, eff. Feb. 26, 2019.</a></p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|                 | <p><i>Wyo. Stat. § 42-4-305</i> - <b>Limitation of actions; retroactivity; burden of proof.</b></p> <p><b>(a)</b> A civil action under <i>W.S. 42-4-304(a)</i> shall not be brought more than six (6) years after the date on which the violation was committed or more than three (3) years after the date when facts material to the right of action are known or reasonably should have been known by the official of the state charged with responsibility to act in the circumstances, whichever occurs last, provided that in no event shall a civil action be brought more than seven (7) years after the date on which the violation is committed.</p> <p><b>(b)</b> In any action brought under <i>W.S. 42-4-304(a)</i>, the state shall be required to prove all essential elements of the cause of action, including damages, by clear and convincing evidence.</p> <p><b>(c)</b> Notwithstanding any other provision of law, a guilty verdict rendered in a criminal proceeding charging false statements or fraud is admissible in any civil action which involves the same transaction as in the criminal proceeding and which is brought under <i>W.S. 42-4-304</i>.</p> <p><b>HISTORY:</b> Laws 2013, ch. 118, § 1.</p> <p><i>Wyo. Stat. § 42-4-306</i> - <b>Remedies under other laws; liberality of construction; joint and several liability.</b></p> <p><b>(a)</b> The provisions of this act are not exclusive, and the remedies provided for in this act shall be in addition to any other remedies provided for in any other law or available under common law.</p> <p><b>(b)</b> Liability pursuant to this act is joint and several for any violation done by two (2) or more persons.</p> <p><b>HISTORY:</b> Laws 2013, ch. 118, § 1.</p> <p>Title 42 Welfare<br/>Chapter 4 Medical Assistance and Services<br/>Article 1. In General<br/><i>Wyo. Stat. § 42-4-102</i> - <b>Definitions.</b></p> <p><b>(a)</b> As used in this chapter:</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|                 | <p>(i) "Categorically eligible" means any individual in need of medical assistance authorized by the legislature and by Title XIX of the federal Social Security Act to be covered by a state plan for medical assistance and services;</p> <p>(ii) "Medical assistance" means partial or full payment of the reasonable charges assessed by any authorized provider of the services and supplies enumerated under <a href="#">W.S. 42-4-103</a> and consistent with limitations and reimbursement methodologies established by the department, which are provided on behalf of a qualified recipient, excluding those services and supplies provided by any relative of the recipient, unless the relative is a family caregiver providing services through a corporation or a limited liability company, which corporation or limited liability company the relative may own, under a home and community based waiver program, or for cosmetic purposes only;</p> <p>(iii) "Qualified" means any categorically eligible individual satisfying eligibility criteria imposed by this chapter, the state plan for medical assistance and services and by rule and regulation of the department;</p> <p>(iv) "Relative" means any person as defined by department rule and regulation;</p> <p>(v) "Resident" means any individual residing in this state, including any individual temporarily absent from this state;</p> <p>(vi) "Institutionalized spouse" means as defined by the Medicare Catastrophic Coverage Act of 1988, P.L. 100-360;</p> <p>(vii) "Department" means the state department of health;</p> <p>(viii) "Direct patient care personnel" means only:</p> <p>    (A) Certified nursing assistants;</p> <p>    (B) Licensed practical nurses;</p> <p>    (C) Registered nurses.</p> <p>(ix) "Skilled nursing home extraordinary care" means skilled nursing home services clearly exceeding standard skilled nursing home services and meeting the criteria established by the department pursuant to <a href="#">W.S. 42-4-104(d)</a>;</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|                 | <p>(x) "Intermediate care facility for people with intellectual disability" means "intermediate care facility for the mentally retarded" or "ICFMR" or "ICFs/MR" as those terms are used in federal law and in other laws, rules and regulations;</p> <p>(xi) "Family caregiver" means a relative of a waiver recipient with a developmental disability or acquired brain injury, who provides waiver services through a corporation or a limited liability company, which corporation or limited liability company the relative may own, to the person with a developmental disability or acquired brain injury and who meets the requirements for a qualified family caregiver as established by rules promulgated by the department. Family caregivers shall be certified by the department in the same manner as nonfamily caregivers. For purposes of providing for reimbursement of services to a family caregiver, the department shall amend the state plan and apply for a waiver from the centers for Medicaid and Medicare services, as necessary;</p> <p>(xii) "Intentional" means that a person, with respect to information, intended to act in violation of the law;</p> <p>(xiii) "Knowing" or "knowingly" includes intentional or intentionally and means that a person, with respect to information, acts:</p> <p>(A) With actual knowledge of the information;</p> <p>(B) In deliberate ignorance of the truth or falsity of the information; or</p> <p>(C) In reckless disregard of the truth or falsity of the information.</p> <p><b>HISTORY:</b> Laws 1967, ch. 238, § 3; W.S. 1957, § 42-66; Laws 1969, ch. 38, § 1; 1973, ch. 53, § 1; ch. 75, § 1; ch. 110, § 1; 1975, ch. 28, § 1; 1976, ch. 2, § 1; 1977, ch. 18, § 1; W.S. 1977, <a href="#">§§ 6-5-201, 42-4-103</a>; Laws 1980, ch. 28, § 1; ch. 29, § 1; 1982, ch. 75, § 3; 1983, ch. 171, § 1; 1984, ch. 23, § 1; 1985, ch. 165, § 1; 1986, ch. 30, § 1; ch. 79, § 1; 1988, ch. 34, § 2; <a href="#">1990, ch. 65, § 1</a>; <a href="#">1991, ch. 221, § 2</a>; <a href="#">2002 Sp. Sess., ch. 63, § 1</a>; <a href="#">2008, ch. 70, § 1</a>; <a href="#">2011, ch. 164, § 1</a>; <a href="#">2013, ch. 118, § 2</a>.</p> <p>Wyo. Stat. § 42-4-111<br/><b>Providing or obtaining assistance by misrepresentation; penalties.</b></p> <p><b>§ 42-4-111. Providing or obtaining assistance by misrepresentation; penalties</b><br/><a href="#">Currentness</a></p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|                 | <p>(a), (b) Repealed by <a href="#">Laws 2019, ch. 96, § 3, eff. Feb. 26, 2019.</a></p> <p>(c) No person shall knowingly make a false statement or misrepresentation or knowingly fail to disclose a material fact in obtaining medical assistance under this chapter. A person violating this subsection is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.</p> <p>(d), (e) Repealed by <a href="#">Laws 2019, ch. 96, § 3, eff. Feb. 26, 2019.</a></p> <p><b>Credits</b></p> <p>Title 26 Insurance Code<br/>Chapter 13 Trade Practices and Frauds<br/>Article 2. False Applications, Claims and Proof of Loss<br/>Wyo. Stat. § 26-13-201</p> <p><b>False applications, claims and proofs of loss prohibited.</b></p> <p><b>(a)</b> No person shall knowingly or willfully:</p> <p><b>(i)</b> Make any false or fraudulent statement or representation in or with reference to any application for insurance or for the purpose of obtaining any money or benefit;</p> <p><b>(ii)</b> Present or cause to be presented a false or fraudulent claim or any proof in support of a claim for the payment of the loss upon a contract of insurance;</p> <p><b>(iii)</b> Prepare, make or subscribe a false or fraudulent certificate, or other document with intent that the certificate or other document may be presented or used in support of the claim.</p> <p><b>HISTORY:</b> (Laws 1967, ch. 136, § 265; W.S. 1957, § 26.1-265; W.S. 1977, <a href="#">§ 26-13-124</a>; Laws 1983, ch. 190, § 1.)</p> <p>Wyo. Stat. § 26-13-202</p> <p><b>Penalties.</b></p> <p>Any person who violates this article is subject to the penalty provided in <i>W.S. 26-1-107</i>, or as provided by any other applicable law which provides a greater penalty.</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|                 | <p><b>HISTORY:</b> (Laws 1967, ch. 136, § 265; W.S. 1957, § 26.1-264; W.S. 1977, <a href="#">§ 26-13-124</a>; Laws 1983, ch. 190, § 1.)</p> <p>Wyo. Stat. § 26-1-107</p> <p><b>General criminal and civil penalties.</b></p> <p><b>(a)</b> Each violation of this code [title 26] for which a greater penalty is not provided by another provision of this code or by other applicable laws of this state, in addition to any applicable prescribed denial, suspension or revocation of certificate of authority or license, is a misdemeanor punishable upon conviction by a fine of not more than one thousand dollars (\$ 1,000.00), or by imprisonment in the county jail for not more than six (6) months, or both. Each violation is a separate offense.</p> <p><b>(b)</b> Any person who violates, or who instructs his agent or adjuster to violate, any provision of this code, any lawful rule or final order of the commissioner or any final judgment or decree made by any court, upon the commissioner's application, shall pay a civil penalty in an amount the commissioner determines of not more than five thousand dollars (\$ 5,000.00) for each offense, or fifty thousand dollars (\$ 50,000.00) in the aggregate for all offenses within any one (1) year period. In the case of individual agents or adjusters, the civil penalty shall be not more than one thousand dollars (\$ 1,000.00) for each offense or ten thousand dollars (\$ 10,000.00) in the aggregate for all offenses within any one (1) year period. The penalty shall be collected from the violator and paid by the commissioner, or the appropriate court, to the state treasurer and credited as provided in <a href="#">W.S. 8-1-109</a>.</p> <p><b>(c)</b> Before the commissioner imposes a civil penalty, he shall notify the person, agent or adjuster accused of a violation, in writing, stating specifically the nature of the alleged violation and fixing a time and place, at least ten (10) days from the date of the notice, when a hearing of the matter shall be held. After hearing or upon failure of the accused to appear at the hearing, the commissioner shall determine the amount of the civil penalty to be imposed in accordance with the limitations expressed in subsection (b) of this section. Each violation is a separate offense.</p> <p><b>(d)</b> A civil penalty may be recovered in an action brought thereon in the name of the state of Wyoming in any court of appropriate jurisdiction, and the court may review the penalty as to both liability and reasonableness of amount.</p> <p><b>(e)</b> The provisions of this section are in addition to and not instead of any other enforcement provisions contained in this code.</p> <p><b>HISTORY:</b> Laws 1967, ch. 136, § 15; W.S. 1957, § 26.1-15; Laws 1971, ch. 149, § 1; W.S. 1977, § 26-1-115; Laws 1979, ch. 148, § 1; 1983, ch. 190, § 1; <a href="#">2005, ch. 157, § 2</a>; <a href="#">2015, ch. 13, § 1</a>.</p> <p>Public Health &amp; Safety<br/>Wyo. Stat. § 35-1-105</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                 | <p><b>Prohibited acts; penalty for violations.</b></p> <p><b>(a)</b> No person, corporation or other organization nor representative thereof shall:</p> <ul style="list-style-type: none"><li><b>(i)</b> Willfully violate, disobey or disregard the provisions of the public health laws of Wyoming or the terms of any lawful notice, order, rule or regulation issued pursuant thereto;</li><li><b>(ii)</b> Repealed by Laws 1982, ch. 75, § 5.</li><li><b>(iii)</b> Being a person charged by law or rule of the department of health with the duty of reporting the existence of disease or other facts and statistics relating to the public health, fail to make or file such reports as required by law or requirement of the department;</li><li><b>(iv)</b> Conduct a business or activity for which the department requires a certificate or permit without such a certificate or permit;</li><li><b>(v)</b> Willfully and falsely make or alter any certificate or certified copy thereof issued pursuant to public health laws of Wyoming;</li><li><b>(vi)</b> Knowingly transport or accept for transportation, interment or other disposition a dead human body without an accompanying permit issued in accordance with the public health laws of Wyoming or the rules of the department; or</li><li><b>(vii)</b> Being the owner or occupant of private property upon which there shall exist a nuisance, source of filth or cause of sickness, willfully fail to remove the same at his own expense within forty-eight (48) hours after being ordered to do so by health authorities.</li></ul> <p><b>(b)</b> Upon conviction of any of the offenses prohibited in subsection (a) of this section, the violator shall be fined not to exceed one hundred dollars (\$100.00) or imprisonment not to exceed six (6) months, or both, and shall be liable for all expense incurred by health authorities in removing the nuisance, source of filth or cause of sickness. No conviction under the penalty provisions of this act or of any other public health laws shall relieve any person from an action in damages for injury resulting from violation of public health laws.</p> <p><i>History - Laws 1947, ch. 67, § 11; W.S. 1957, § 34-5; Laws 1961, ch. 207, § 1; 1982, ch. 75, § 5; 1983, ch. 171, § 3; <a href="#">1991, ch. 221, § 2</a>; <a href="#">2012, ch. 98, § 1</a>; <a href="#">2017, ch. 172, § 1</a>.</i></p> <hr/> <p>Wyo. Stat. § 35-1-106</p> <p><b>Penalty for violations.</b></p> <p>Any person who shall violate any of the provisions of this act, or any lawful rule or regulation made by the state department of health pursuant to the authority herein granted, or who shall fail or refuse to obey any lawful order issued by any state, county or municipal health officer pursuant to the authority granted in this act shall be deemed guilty of misdemeanor, and shall be punished except as otherwise provided therein by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment for not more than one (1) year or by both such fine and imprisonment.</p> <p><b>HISTORY:</b> (Laws 1921, ch. 160, § 27; R.S. 1931, § 103-238; C.S. 1945, § 63-143; W.S. 1957, § 35-6; <a href="#">Laws 1991, ch. 221, § 2</a>.)</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|                 | <p>Title 33 Professions and Occupations<br/>Chapter 26 Physicians and Surgeons<br/>Article 4. Investigations and Disciplinary Proceedings<br/>Wyo. Stat. § 33-26-402</p> <p><b>W.S.1977 § 33-26-402</b><br/><b>§ 33-26-402. Grounds for suspension; revocation; restriction; imposition of conditions; refusal to renew or other disciplinary action</b><br/><u><a href="#">Currentness</a></u><br/>(a) The board may refuse to renew, and may revoke, suspend or restrict a license or take other disciplinary action, including the imposition of conditions or restrictions upon a license on one (1) or more of the following grounds:<br/>(i) Renewing, obtaining or attempting to obtain or renew a license by bribery, fraud or misrepresentation;<br/>(ii) Impersonating another licensee or practicing medicine under a false or assumed name;<br/>(iii) Making false or misleading statements regarding the licensee's skill or the efficacy or value of his treatment or remedy for a human disease, injury, deformity, ailment, pregnancy or delivery of infants;<br/>(iv) Permitting or allowing any person to use his diploma, license or certificate of registration;<br/>(v) Advertising the practice of medicine in a misleading, false or deceptive manner;<br/>(vi) Obtaining any fee or claim for payment of a fee by fraud or misrepresentation;<br/>(vii) Repealed by <u><a href="#">Laws 2018, ch. 80, § 3.</a></u><br/>(viii) Conviction of or pleading guilty or nolo contendere to a felony or any crime that is a felony under Wyoming law in any jurisdiction;<br/>(ix) Aiding or abetting the practice of medicine by a person not licensed by the board;<br/>(x) Violating or attempting to violate or assist in the violation of any provision of this chapter or any other applicable provision of law;<br/>(xi) Except as permitted by law, repeatedly prescribing or administering, selling or supplying any drug legally classified as a narcotic, addicting or scheduled drug to a known abuser;<br/>(xii) Repeatedly prescribing, selling, supplying or administering any drug legally classified as a narcotic, addicting or scheduled drug to a parent, spouse or child of the applicant or licensee, or to himself;<br/>(xiii) Presigning blank prescription forms;<br/>(xiv) Failing or refusing to properly guard against the spread of contagious, infectious or communicable diseases;<br/>(xv) Failure to appropriately supervise nonphysicians to whom the licensee has delegated medical responsibilities;<br/>(xvi) Delegating responsibilities to a person who is not qualified by training, experience or licensure;<br/>(xvii) Delegating medical responsibilities to a person who is unable to safely, skillfully and competently provide medical care to patients or that are beyond the scope of the specialty areas in which the licensee and the person are trained and experienced;</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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|                 | <p>(xviii) Willful and consistent utilization of medical service or treatment which is inappropriate or unnecessary;</p> <p>(xix) A manifest incapacity to practice medicine with reasonable skill and safety to patients;</p> <p>(xx) Possession of any physical or mental disability including deterioration due to aging which renders the practice of medicine unsafe;</p> <p>(xxi) Use of a drug or intoxicant to such a degree as to render the licensee unable to practice medicine or surgery with reasonable skill and safety to patients;</p> <p>(xxii) Practicing medicine below the applicable standard of care, regardless of causation or damage;</p> <p>(xxiii) Failure to submit to an informal interview or a mental, physical or medical competency examination following a proper request by the board pursuant to <a href="#">W.S. 33-26-403</a>;</p> <p>(xxiv) Failure to report a personal injury claim as required by <a href="#">W.S. 33-26-409</a>;</p> <p>(xxv) Suspension, probation, imposition of conditions or restrictions, relinquishment, surrender or revocation of a license to practice medicine in another jurisdiction;</p> <p>(xxvi) Any action by a health care entity that:</p> <p>(A) Adversely affects clinical privileges for a period of thirty (30) or more consecutive days;</p> <p>(B) Results in the surrender of clinical privileges to the health care entity while the licensee is under investigation by the health care entity for possible professional incompetence or improper professional conduct; or</p> <p>(C) Results in the surrender of clinical privileges in return for the health care entity not conducting an investigation for possible professional incompetence or improper professional conduct.</p> <p>(xxvii) Unprofessional or dishonorable conduct not otherwise specified in this subsection, including but not limited to:</p> <p>(A) Repealed by <a href="#">Laws 2003, ch. 190, § 3</a>.</p> <p>(B) Failure to conform to the applicable standard of care;</p> <p>(C) Willful or careless disregard for the health, welfare or safety of a patient;</p> <p>(D) Engaging in any conduct or practice that is harmful or dangerous to the health of a patient or the public;</p> <p>(E) Engaging in conduct intended to or likely to deceive, defraud or harm the public;</p> <p>(F) Using any false, fraudulent or deceptive statement in any document connected with the practice of medicine including the intentional falsification or fraudulent alteration of a patient or health care facility record;</p> <p>(G) Failing to prepare and maintain legible and complete written medical records that accurately describe the medical services rendered to the patient, including the patient's history, pertinent findings, examination, results, test results and all treatment provided;</p> <p>(H) Practicing outside of the scope of the licensee's expertise and training;</p> <p>(J) Repeatedly engaging in harassing, disruptive or abusive behavior directed at staff, co-workers, a patient or a patient's relative or guardian or that interferes with the provision of patient care;</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|                 | <p>(K) Engaging in conduct that relates adversely to the practice of medicine or to the ability to practice medicine, including but not limited to conviction of or pleading guilty or nolo contendere to domestic abuse, stalking, sexual assault, sexual abuse or unlawful exploitation of a minor, indecent exposure, incest or distribution of pornography;</p> <p>(M) Failing or neglecting to attempt to inform a patient within a reasonable time of the results of a laboratory test indicating the need for further clinical review;</p> <p>(N) Improperly terminating a physician-patient relationship;</p> <p>(O) Representing that a manifestly incurable disease or condition can be permanently cured or that any disease or condition can be cured by a secret method, procedure, treatment, medicine or device if the representation is untrue;</p> <p>(P) Intentionally or negligently releasing or disclosing confidential patient information. This restriction shall not apply to disclosures permitted or required by state or federal law or when disclosure is necessary to prevent imminent risk of harm to the patient or others;</p> <p>(Q) Failing or refusing to transfer a copy of patient records to the patient or the patient's legally designated representative within thirty (30) days after receipt of a written request;</p> <p>(R) Utilization of experimental forms of therapy without proper informed consent from the patient, without conforming to generally-accepted criteria or standard protocols, without keeping detailed, legible records or without having periodic analysis of the study and results reviewed by a committee of peers;</p> <p>(S) Except in emergency situations where the consent of the patient or the patient's legally designated representative cannot be reasonably obtained, assisting in the care or treatment of a patient without the consent of the patient, the attending physician or the patient's legal representative;</p> <p>(T) Using or engaging in fraud or deceit to obtain third party reimbursement.</p> <p>(xxviii) Upon proper request by the board, failure or refusal to produce documents or other information relevant to any investigation conducted by the board, whether the complaint is filed against the licensee or any other licensee;</p> <p>(xxix), (xxx) Repealed by <a href="#">Laws 2003, ch. 190, § 3.</a></p> <p>(xxxi) Violation of any board rule or regulation;</p> <p>(xxxii) Acquiring or attempting or conspiring to acquire any drug classified as a narcotic, addicting or scheduled drug by fraud or deception;</p> <p>(xxxiii) Initially prescribing any controlled substance specified in <a href="#">W.S. 35-7-1016</a> through <a href="#">35-7-1022</a> for any person through the Internet, the World Wide Web or a similar proprietary or common carrier electronic system absent a documented physician-patient relationship;</p> <p>(xxxiv) Violating any final order, consent decree or stipulation between the board and the licensee;</p> <p>(xxxv) Any behavior by a licensee toward a patient, former patient, another licensee, an employee of a health care facility, an employee of the licensee or a relative or guardian of a patient that exploits the position of trust, knowledge, emotions or influence of the licensee;</p> <p>(xxxvi) Violating <a href="#">W.S. 35-4-1001.</a></p> <p>(b) Upon a finding of ineligibility for licensure or refusal to grant a license under subsection (a) of this section, the board shall file its written order and findings.</p> <p><b>Credits</b></p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|                 | <p>Laws 1976, ch. 24, § 1; Laws 1987, ch. 79, § 1; <a href="#">Laws 1991, ch. 143, § 1</a>; <a href="#">Laws 1995, ch. 129, § 1, eff. July 1, 1995</a>; <a href="#">Laws 2003, ch. 190, §§ 2, 3, eff. July 1, 2003</a>; <a href="#">Laws 2009, ch. 201, § 1, eff. March 12, 2009</a>; <a href="#">Laws 2018, ch. 80, §§ 2, 3, eff. July 1, 2018</a>; <a href="#">Laws 2018, ch. 107, § 2, eff. July 1, 2018</a>; <a href="#">Laws 2024, ch. 113, § 2, eff. July 1, 2024</a>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|                 | <b>Qui Tam Actions &amp; Remedies</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|                 | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|                 | <b>Whistle-blower Protections</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|                 | <p>W.S.1977 § 42-4-304</p> <p><b>§ 42-4-304. Investigations and prosecutions; powers of prosecuting authority; remedies for retaliation; venue; no private right of action</b></p> <p><u>Currentness</u></p> <p>(a) The Medicaid fraud control unit created by <a href="#">W.S. 42-4-403</a> or a district attorney may investigate alleged violations of <a href="#">W.S. 42-4-303(a)</a> and (c). If the Medicaid fraud control unit or district attorney finds that a person has violated or is violating <a href="#">W.S. 42-4-303(a)</a> or (c), the unit or district attorney may bring a civil action under this section against that person.</p> <p>(b) Any employee, contractor or agent of a person being investigated for a violation of <a href="#">W.S. 42-4-303(a)</a> shall be entitled to recover all economic damages suffered if that employee, contractor or agent is discharged, demoted, suspended, threatened, harassed or in any other manner retaliated against in the terms and conditions of employment because of lawful acts taken in good faith by the employee or others in an action reported, filed or investigated under this act. An action by an employee, contractor or agent under this subsection shall not be brought more than three (3) years after the date when the retaliation occurred. A person may bring an action in the appropriate district court for the relief provided in this subsection. This subsection shall not otherwise be construed to create a private cause of action for violations of this act and is limited to the remedies expressly created by this subsection related to employment retaliation.</p> <p>(c) Except as provided in subsection (b) of this section, any action under this act may be brought in the district court of any county in which the defendant, or any of them, resides. If the defendant is not a resident of the state of Wyoming, the action shall be brought in the first judicial district court in Laramie County.</p> <p>(d) Except as provided in subsection (b) of this section, nothing in this act shall be construed to create a private cause of action.</p> <p>(e) The remedies provided in this act are separate from and additional to any remedies available under the State Government Fraud Reduction Act.</p> <p><b>Credits</b></p> <p><a href="#">Laws 2013, ch. 118, § 1, eff. July 1, 2013</a>; <a href="#">Laws 2019, ch. 96, § 2, eff. Feb. 26, 2019</a>.</p> <p>Wyo. Stat. § 9-11-101</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|                 | <p>This chapter may be cited as the "<b>State Government Fraud Reduction Act.</b>"</p> <p><b>HISTORY:</b> <a href="#">Laws 1996, ch. 123, § 1.</a></p> <p>Wyo. Stat. § 9-11-102</p> <p><b>Definitions; applicability.</b></p> <p>(a) As used in this chapter:</p> <p>(i) "Employee" means any person who works an average of twenty (20) hours or more per week during any six (6) month period and who is employed by the state performing a service for wages or other remuneration, excluding an independent contractor;</p> <p>(ii) "Political subdivision" means a county, municipal or special district governing body or any combination thereof, school district or municipal corporation or a board, department, commission, council, agency or any member or employee thereof;</p> <p>(iii) "State" means the state of Wyoming and any authority, board, commission, department, division or separate operating agency of the executive, legislative or judicial branch of the state of Wyoming, excluding its political subdivisions.</p> <p><b>HISTORY:</b> (<a href="#">Laws 1996, ch. 123, § 1.</a>)</p> <p>Wyo. Stat. § 9-11-103</p> <p><b>Discrimination against certain employees prohibited; civil action against employer.</b></p> <p>(a) No state employer may discharge, discipline or retaliate against an employee by unreasonably altering the terms, location or conditions of employment because the employee acting in good faith and within the scope of duties of employment:</p> <p>(i) Reports in writing to the employer what the employee has reasonable cause to believe is a demonstration of fraud, waste or gross mismanagement in state government office;</p> <p>(ii) Reports in writing to the employer what the employee has reasonable cause to believe is a violation of a law, regulation, code or rule adopted under the laws of this state or the United States;</p> <p>(iii) Reports in writing to the employer what the employee has reasonable cause to believe is a condition or practice that would put at risk the health or</p> |

| State /Citation | False Claims Laws                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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|                 | <p>safety of that employee or any other individual;</p> <p><b>(iv)</b> Participates or is requested to participate in any investigation, hearing or inquiry; or</p> <p><b>(v)</b> Has refused to carry out a directive which is beyond the scope, terms and conditions of his employment that would expose the employee or any individual to a condition likely to result in serious injury or death, after having sought and been unable to obtain a correction of the dangerous condition from the employer.</p> <p><b>(b)</b> Subsection (a) of this section does not apply to an employee who has reported or caused to be reported a violation or unsafe condition or practice, unless the employee has first brought the alleged violation, condition or practice to the attention of a person having supervisory authority over the employee and has allowed the state employer a reasonable opportunity to correct that violation, condition or practice. Prior notice to a person having supervisory authority is not required if the employee reasonably believes that the report may not result in prompt correction of the violation, condition or practice. In such cases, the employee shall report the violation, condition or practice to the department or agency director of the state entity with which he is employed or to the office of the governor. In the event the alleged violation, condition or practice occurred within the office of the governor, the employee may report the violation, condition or practice to the office of the secretary of state.</p> <p><b>(c)</b> Any employee who is discharged, disciplined or otherwise penalized by a state employer in violation of this section may after exhausting all available administrative remedies, bring a civil action within ninety (90) days after the date of the final administrative determination or within ninety (90) days after the violation, whichever is later, in the district court for the judicial district in which the violation is alleged to have occurred or where the state employer has its principal office. An employee's recovery from any action under this section shall be limited to reinstatement of his previous job, payment of back wages and re-establishment of employee benefits to which he would have otherwise been entitled if the violation had not occurred. In addition, the court may allow the prevailing party his costs together with reasonable attorney's fees to be taxed by the court. Any employee found to have knowingly made a false report shall be subject to disciplinary action by his employer up to and including dismissal.</p> <p><b>(d)</b> A state employer shall ensure that its employees are aware of their rights under this chapter.</p> <p><b>HISTORY:</b> <a href="#">Laws 1996, ch. 123, § 1</a>; <a href="#">2013, ch. 16, § 1</a>.</p> |

