

HOUSE BILL No. 5216

September 15, 2007, Introduced by Rep. David Law and referred to the Committee on Health Policy.

A bill to amend 1977 PA 72, entitled
"The medicaid false claim act,"
by amending sections 7 and 12 (MCL 400.607 and 400.612), section 7
as amended by 1984 PA 333.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. (1) A person shall not make or present or cause to be
2 made or presented to an employee or officer of this state a claim
3 under the social welfare act, ~~Act No. 280 of the Public Acts of~~
4 ~~1939, as amended, being sections 400.1 to 400.121 of the Michigan~~
5 ~~Compiled Laws 1939 PA 280, MCL 400.1 TO 400.119B~~, upon or against
6 the state, knowing the claim to be false.

7 (2) A person shall not make or present or cause to be made or

presented a claim under the social welfare act, ~~Act No. 280 of the~~
~~Public Acts of 1939, which~~ **1939 PA 280, MCL 400.1 TO 400.119B, THAT**
 he or she knows falsely represents that the goods or services for
 which the claim is made were medically necessary in accordance with
 professionally accepted standards. Each claim violating this
 subsection ~~shall constitute~~ **IS** a separate offense. A health
 facility or agency ~~shall~~ **IS** not be liable under this subsection
 unless the health facility or agency, ~~pursuant~~ **ACCORDING** to a
 conspiracy, combination, or collusion with a physician or other
 provider, falsely represents the medical necessity of the
 particular goods or services for which the claim was made.

**(3) A PERSON SHALL NOT KNOWINGLY MAKE, USE, OR CAUSE TO BE
 MADE OR USED A FALSE RECORD OR STATEMENT TO CONCEAL, AVOID, OR
 DECREASE AN OBLIGATION TO PAY OR TRANSMIT MONEY OR PROPERTY TO THE
 STATE PERTAINING TO A CLAIM FOR MEDICAID BENEFITS.**

(4) ~~(3)~~ A person who violates this section is guilty of a
 felony ~~—~~ punishable by imprisonment for not more than 4 years ~~—~~ or
 by a fine of not more than \$50,000.00, or both.

Sec. 12. (1) A person who receives a benefit ~~which the person~~
THAT HE OR SHE is not entitled to receive by reason of fraud or
 making a fraudulent statement or knowingly concealing a material
 fact, **OR WHO ENGAGES IN ANY CONDUCT PROHIBITED BY THIS STATUTE,**
 shall forfeit and pay to the state a civil penalty equal to the
 full amount received plus triple the amount of damages suffered by
 the state as a result of the conduct by the person **AND A CIVIL
 PENALTY OF NOT LESS THAN \$5,000.00.**

(2) A criminal action need not be brought against the person

1 for that person to be civilly liable under this section.