

Senate Bill 321

By: Senators Tillery of the 19th, Stone of the 23rd, Mullis of the 53rd, Parent of the 42nd and Cowsert of the 46th

AS PASSED

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Code Section 49-4-168.1 of the Official Code of Georgia Annotated, relating to
2 civil penalties for false or fraudulent Medicaid claims, so as to modify the civil penalties that
3 shall be imposed in order to allow this state to recover the maximum penalty authorized by
4 federal law; to provide for related matters; to provide for an effective date; to repeal
5 conflicting laws; and for other purposes.

6 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

7 **SECTION 1.**

8 Code Section 49-4-168.1 of the Official Code of Georgia Annotated, relating to civil
9 penalties for false or fraudulent Medicaid claims, is amended by revising subsection (a) as
10 follows:

11 "(a) Any person who:

12 (1) Knowingly presents or causes to be presented to the Georgia Medicaid program a
13 false or fraudulent claim for payment or approval;

14 (2) Knowingly makes, uses, or causes to be made or used a false record or statement
15 material to a false or fraudulent claim;

16 (3) Conspires to commit a violation of paragraph (1), (2), (4), (5), (6), or (7) of this
17 subsection;

18 (4) Has possession, custody, or control of property or money used or to be used by the
19 Georgia Medicaid program and knowingly delivers, or causes to be delivered, less than
20 all of such property or money;

21 (5) Is authorized to make or deliver a document certifying receipt of property used, or
22 to be used, by the Georgia Medicaid program and, intending to defraud the Georgia
23 Medicaid program, makes or delivers the receipt without completely knowing that the
24 information on the receipt is true;

25 (6) Knowingly buys, or receives as a pledge of an obligation or debt, public property
26 from an officer or employee of the Georgia Medicaid program who lawfully may not sell
27 or pledge the property; or

28 (7) Knowingly makes, uses, or causes to be made or used a false record or statement
29 material to an obligation to pay or transmit property or money to the Georgia Medicaid
30 program, or knowingly conceals or knowingly and improperly avoids or decreases an
31 obligation to pay or transmit property or money to the Georgia Medicaid program,
32 shall be liable to the State of Georgia for a civil penalty ~~of not less than \$5,500.00 and not~~
33 ~~more than \$11,000.00 for each false or fraudulent claim~~ consistent with the civil penalties
34 provision of the federal False Claims Act, 31 U.S.C. 3729(a), as adjusted by the federal
35 Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461; Public Law 101-410),
36 and as further amended by the federal Civil Penalties Inflation Adjustment Improvements
37 Act of 2015 (Sec. 701 of Public Law 114-74), plus three times the amount of damages
38 which the Georgia Medicaid program sustains because of the act of such person."

39 **SECTION 2.**

40 This Act shall become effective upon its approval by the Governor or upon its becoming law
41 without such approval.

42 **SECTION 3.**

43 All laws and parts of laws in conflict with this Act are repealed.