

Senate Study Bill 33

Bill Text

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1 1 Section 1. Section 239.14, Code 1997, is amended to read
1 2 as follows:
1 3 239.14 FRAUDULENT

~~ACTS~~

~~- PRACTICES.~~

1 4

~~Whoever~~

~~- A person who~~ obtains,

~~or~~

~~- attempts to obtain, or~~

1 5 aids or abets any person to obtain, by means of a willfully
1 6 false statement, omission, or representation, or by
1 7 impersonation, or any fraudulent device, any assistance under
1 8 this chapter to which the recipient is not entitled,

~~shall be~~

~~-~~
1 9

~~guilty of~~

~~- commits~~ a fraudulent practice.

1 10 Sec. 2. Section 239.17, Code 1997, is amended to read as
1 11 follows:
1 12 239.17 RECOVERY OF ASSISTANCE OBTAINED BY FRAUDULENT

~~ACT~~

~~-~~
1 13 PRACTICE.

1 14 A person who obtains,

~~or~~

~~- attempts to obtain, or aids or~~

1 15 abets any person to obtain, by means of a willfully false
1 16 statement, omission, or representation, or by impersonation or
1 17 any fraudulent device, assistance to which the recipient is
1 18 not entitled, is personally liable for the amount of
1 19 assistance thus obtained. The amount of the assistance may be
1 20 recovered from the offender or the offender's estate in an
1 21 action brought or by claim filed in the name of the state and
1 22 the recovered funds shall be deposited in the family
1 23 investment program account. The action or claim filed in the
1 24 name of the state shall not be considered an election of
1 25 remedies to the exclusion of other remedies.

1 26 Sec. 3. Section 249A.7, unnumbered paragraph 1, Code 1997,
1 27 is amended to read as follows:

1 28 A person who obtains assistance or payments for medical
1 29 assistance under this chapter by

~~misrepresentation or failure,~~

~~-~~
1 30

~~with fraudulent intent, to bring forth all the facts~~

- knowingly

1 31 making, or causing to be made, a false statement, a
1 32 misrepresentation of facts, or an omission of facts required
1 33 of an applicant for aid under the provisions of this chapter
1 34

~~and~~

- or a person who knowingly makes, or causes to be made, a
1 35 false

~~statements~~

- statement, a misrepresentation of facts, or

2 1 an omission of facts concerning the applicant's eligibility
2 2 for aid under this chapter

~~shall be guilty of~~

- commits a

2 3 fraudulent practice.
2 4 Sec. 4. Section 249A.8, Code 1997, is amended to read as
2 5 follows:
2 6 249A.8 FRAUDULENT PRACTICE.
2 7 A person who knowingly makes or causes to be made false
2 8 statements, omissions, or misrepresentations of material facts
2 9 in application for payment of services or merchandise rendered
2 10 or purportedly rendered by a provider participating in the
2 11 medical assistance program under this chapter

~~is guilty of~~

- commits a fraudulent practice.

2 12 commits a fraudulent practice.
2 13 EXPLANATION
2 14 This bill relates to fraudulent practices involving family
2 15 investment and medical assistance program benefits and makes
2 16 penalties applicable.
2 17 Section 239.14, relating to fraudulent acts to obtain
2 18 family investment program assistance, is amended to include as
2 19 a fraudulent practice willful omissions of facts to obtain
2 20 assistance. Section 239.17, relating to recovery of
2 21 assistance obtained by a fraudulent act, is amended in a
2 22 similar manner.
2 23 Section 249A.7 relates to investigations and audits of
2 24 fraudulent practices involving payment under medical
2 25 assistance for aid, services, or merchandise when an applicant
2 26 has not provided facts needed. The section is amended to
2 27 include as a fraudulent practice knowingly making or causing
2 28 to be made, a false statement, a misrepresentation of facts,
2 29 or an omission of facts required of an applicant or concerning
2 30 an applicant's eligibility.
2 31 Section 249A.8 relates to fraudulent practices involving an
2 32 application for payment under the medical assistance program
2 33 for services or merchandise rendered or purportedly rendered
2 34 by a provider under the program. The section is amended to
2 35 include as a fraudulent practice omissions of material facts
3 1 in application for payment.
3 2 The criminal penalties for fraudulent practices are found
3 3 in chapter 714. Chapter 714 provides for five degrees of
3 4 fraudulent practices ranging from first degree involving a
3 5 value in excess of \$10,000, which is a class "C" felony, to
3 6 the fifth degree involving a value of less than \$100, which is
3 7 a simple misdemeanor.
3 8 LSB 1270DP 77
3 9 jp/sc/14