

skill, care, and diligence available to preserve the life and health of a viable fetus ~~showing-significant, -sustainable vital-signs~~ shall be guilty of a serious misdemeanor.

Sec. 5. This Act is effective on the date set forth in chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), section five hundred twenty-nine (529).

Approved June 17, 1977

CHAPTER 149

ASSISTANCE LAWS—FRAUDULENT PRACTICES

S. F. 297

AN ACT relating to fraudulent practices and appropriating funds for the enforcement of aid to dependent children, medical assistance, and supplemental assistance laws.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1977 and ending June 30, 1978 to the following named agencies, the following amounts or so much as is necessary, to be used for the purposes designated:

1977-1978
Fiscal Year

1. DEPARTMENT OF SOCIAL
SERVICES--STATE ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes to match federal funds on an equal basis for the purposes of enforcing sections two hundred thirty-nine point fourteen (239.14), two hundred forty-nine point eleven (249.11), and two hundred forty-nine A point seven (249A.7) of the Code in cooperation with the division of criminal investigation and bureau of identification of the department of public safety..... \$ 66,500

2. DEPARTMENT OF PUBLIC SAFETY--DIVISION OF CRIMINAL INVESTIGATION AND BUREAU OF IDENTIFICATION

For law enforcement equipment required to carry out enforcement of laws as provided in subsection one (1) of this section..... \$ 41,500

Sec. 2.

1. It is the intent of the general assembly that violations of law relating to aid to dependent children, medical assistance, and supplemental assistance shall be prosecuted by county attorneys. Area prosecutors of the office of the attorney general shall provide such assistance in prosecution as may be required. It is the intent of the general assembly that the first priority for investigation and prosecution for which funds are provided by this Act shall be for fraudulent claims or practices by health care vendors and providers.

2. Funds appropriated by this Act shall be in addition to any other funds appropriated for the purposes provided for in this Act.

Sec. 3. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one (1), section one thousand four hundred eight (1408), unnumbered paragraph one (1), is amended to read as follows:

A person who does any of the following acts is guilty of a fraudulent practice. ~~A fraudulent practice is an aggravated misdemeanor.~~

Sec. 4. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter one (1), Division fourteen (XIV), is amended by adding the following new sections after section one thousand four hundred eight (1408):

SEC. 1409. NEW SECTION. FRAUDULENT PRACTICE IN THE FIRST DEGREE. Fraudulent practice in the first degree is a fraudulent practice where the amount of money or value of property involved exceeds five thousand dollars.

Fraudulent practice in the first degree is a class C felony.

SEC. 1410. NEW SECTION. FRAUDULENT PRACTICE IN THE SECOND DEGREE. Fraudulent practice in the second degree is the following:

1. A fraudulent practice where the amount of money or value of property or services involved exceeds five hundred dollars but does not exceed five thousand dollars.

2. A fraudulent practice where the amount of money or value of property or services involved does not exceed five hundred dollars by one who has been convicted of a fraudulent practice twice before.

Fraudulent practice in the second degree is a class D felony.

SEC. 1411. NEW SECTION. FRAUDULENT PRACTICE IN THE THIRD DEGREE. Fraudulent practice in the third degree is the following:

1. A fraudulent practice where the amount of money or value of property or service involved exceeds one hundred dollars but does not exceed five hundred dollars.

2. A fraudulent practice as set forth in subsections two (2), eight (8), and nine (9) of section one-thousand four hundred eight (1408) of this chapter.

3. A fraudulent practice where it is not possible to determine an amount of money or value of property and service involved.

Fraudulent practice in the third degree is an aggravated misdemeanor.

SEC. 1412. NEW SECTION. FRAUDULENT PRACTICE IN THE FOURTH DEGREE. Fraudulent practice in the fourth degree is a fraudulent practice where the amount of money or value of property or services involved exceeds fifty dollars but does not exceed one hundred dollars.

Fraudulent practice in the fourth degree is a serious misdemeanor.

SEC. 1413. NEW SECTION. FRAUDULENT PRACTICE IN THE FIFTH DEGREE. Fraudulent practice in the fifth degree is a fraudulent practice where the amount of money or value of property or services involved does not exceed fifty dollars.

Fraudulent practice in the fifth degree is a simple misdemeanor.

SEC. 1414. NEW SECTION. VALUE FOR PURPOSES OF FRAUDULENT PRACTICES. The value of property or service is its normal market or exchange value, if any, within the community at the time the fraudulent practice is committed.

If money or property or service is obtained by a series of acts from the same person or location, or from different

persons by a series of acts which occur in approximately the same location or time period so that the fraudulent practices are attributable to a single scheme, plan, or conspiracy, such acts may be considered as a single fraudulent practice and the value may be the total value of all money, property, and service involved.

Sec. 5. Chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), section two hundred fifty-six (256), amending section two hundred forty-nine point eleven (249.11), Code 1975, is amended to read as follows:

SEC. 256. Section two hundred forty-nine point eleven (249.11), Code 1975, is amended to read as follows:

249.11 FRAUD. Any person who obtains assistance under this chapter by misrepresentation or by failure with fraudulent intent to bring forth all of the facts required of an applicant for assistance under this chapter, or any person who shall knowingly make false statements concerning an applicant's eligibility for assistance under this chapter, is guilty of a ~~simple-misdemeanor~~ fraudulent practice.

Sec. 6. Section two hundred forty-nine A point seven (249A.7), Code 1977, is amended to read as follows:

249A.7 PENALTY. Any ~~person who shall-obtain~~ obtains assistance or payments for medical assistance under this chapter by misrepresentation or failure, with fraudulent intent, to bring forth all the facts required of an applicant for aid under the provisions of this chapter and ~~any~~ a person who ~~shall~~ knowingly ~~make~~ makes false statements concerning the applicant's eligibility for aid under this chapter shall be guilty of a ~~misdemeanor, punishable-as-such~~ fraudulent practice.

Sec. 7. Sections three (3) through seven (7) of this Act are effective on the date set forth in chapter one thousand two hundred forty-five (1245), Acts of the Sixty-sixth General Assembly, 1976 Session, chapter four (4), section five hundred twenty-nine (529).

Sec. 8. All federal grants to and the federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth in such federal grants or receipts.

Approved July 10, 1977