

Senate Bill 334

By: Senators Hill of the 32nd, Smith of the 52nd, Rogers of the 21st, Harp of the 29th,  
Cowsert of the 46th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to  
2 forgery and fraudulent practices, so as to provide definitions; to create the crime of medical  
3 identity fraud; to provide for punishment; to provide for related matters; to repeal conflicting  
4 laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to forgery and  
8 fraudulent practices, is amended by adding a new article to read as follows:

9 "ARTICLE 10

10 16-9-170.

11 As used in this article, the term:

12 (1) 'Health care records' means records however maintained and in whatever form  
13 regarding an individual's health including, but not limited to, doctor's and nurse's  
14 examination and other notes, examination notes of other medical professionals, hospital  
15 records, rehabilitation facility records, nursing home records, assisted living facility  
16 records, results of medical tests, X-rays, CT scans, MRI scans, vision examinations,  
17 pharmacy records, prescriptions, hospital charts, surgical records, mental health  
18 treatments and counseling, dental records, and physical therapy notes and evaluations.

19 (2) 'Health care resources' means health insurance, health savings accounts, health  
20 spending accounts, flexible spending accounts, medicare accounts, Medicaid accounts,  
21 dental insurance, vision insurance, and other forms of health insurance and health benefit  
22 plans.

23 (3) 'Identifying information' shall include, but not be limited to:

24 (A) Current or former names;

- 25 (B) Social security numbers;  
 26 (C) Driver's license numbers;  
 27 (D) Checking account numbers;  
 28 (E) Savings account numbers;  
 29 (F) Credit and other financial transaction card numbers;  
 30 (G) Debit card numbers;  
 31 (H) Personal identification numbers;  
 32 (I) Electronic identification numbers;  
 33 (J) Digital or electronic signatures;  
 34 (K) Medical identification numbers;  
 35 (L) Birth dates;  
 36 (M) Mother's maiden name;  
 37 (N) Selected personal identification numbers;  
 38 (O) Tax identification numbers;  
 39 (P) Veteran and military medical identification numbers;  
 40 (Q) State identification card numbers issued by state departments; or  
 41 (R) Any other numbers or information which can be used to access a person's or  
 42 entity's health care records or resources.

43 (4) 'Numbers' means all combinations of letters, numbers, and symbols used to create  
 44 identifying information or codes regarding individuals.

45 16-9-171.

46 (a) A person commits the offense of medical identity fraud when he or she willfully and  
 47 fraudulently for the purpose of obtaining medical care, prescription drugs, or other health  
 48 care services or money or other financial gain:

49 (1) Without authorization or consent, uses, or possesses with intent to fraudulently use,  
 50 identifying information concerning an individual;

51 (2) Uses identifying information of an individual under 18 years old over whom he or  
 52 she exercises custodial authority;

53 (3) Uses, or possesses with intent to fraudulently use, identifying information concerning  
 54 a deceased individual;

55 (4) Creates or uses, or possesses with intent to fraudulently use, any counterfeit or  
 56 fictitious identifying information concerning a fictitious individual with intent to use such  
 57 counterfeit or fictitious identification information for the purpose of committing or  
 58 facilitating the commission of a crime or fraud on another person; or

59 (5) Without authorization or consent, creates or uses, or possesses with intent to  
 60 fraudulently use, any counterfeit or fictitious identifying information concerning a real

61 individual with intent to use such counterfeit or fictitious identification information for  
62 the purpose of committing or facilitating the commission of a crime or fraud on another  
63 person.

64 (b) The offense created by this Code section shall not merge with any other offense.

65 (c) It shall be unlawful for any person to attempt or conspire to commit any offense  
66 prohibited by this article.

67 (d) Any person convicted of a violation of this Code section shall be punished by  
68 imprisonment for not less than two nor more than ten years, by a fine not to exceed  
69 \$100,000.00, or by both. Any person who commits such a violation for the second or any  
70 subsequent offense shall be punished by imprisonment for not less than three nor more than  
71 15 years, by a fine not to exceed \$250,000.00, or by both.

72 (e) Each violation of this article shall constitute a separate offense."

73 **SECTION 2.**

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