

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 SENATE**

**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 increase the civil penalties  
3 that shall be imposed in order to allow this state to recover the maximum penalty authorized  
4 by 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~~  
 33 \$11,181.00 and not more than ~~\$11,000.00~~ \$22,363.00 for each false or fraudulent claim,  
 34 plus three times the amount of damages which the Georgia Medicaid program sustains  
 35 because of the act of such person."

36 **SECTION 2.**

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

39 **SECTION 3.**

40 All laws and parts of laws in conflict with this Act are repealed.