

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 32.1-314 of the Code of Virginia, relating to restitution for Medicaid*  
3 *fraud.*

4 [H 2035]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 32.1-314 of the Code of Virginia is amended and reenacted as follows:**8 § 32.1-314. False statement or representation in applications for payment or for use in determining  
9 rights to payment; concealment of facts; penalty.10 A. Any person who engages in the following activities shall be guilty of a felony punishable by a  
11 term of imprisonment of not less than one nor more than 20 years, or in the discretion of the jury or the  
12 court trying the case without a jury, confinement in jail for not more than 12 months and, in addition to  
13 such imprisonment or confinement, may be fined an amount not to exceed \$25,000:14 1. Knowingly and willfully making or causing to be made any false statement or representation of a  
15 material fact in any application for any payment under medical assistance;16 2. At any time knowingly and willfully making or causing to be made any false statement or  
17 representation of a material fact for use in determining rights to such payment, or knowingly and  
18 willfully falsifying, concealing or covering up by any trick, scheme or device a material fact, causing a  
19 material fact to be falsified, concealed, or covered up in such a manner in connection with such  
20 application or payment; or21 3. When having knowledge of the occurrence of any event affecting (i) the initial or continued right  
22 to any payment or (ii) the initial or continued right to any such payment of any other individual in  
23 whose behalf he has applied for or is receiving such payments, willfully concealing or failing to disclose  
24 such event, causing such concealment or failure to disclose such an event with an intent fraudulently to  
25 secure such payment either in a greater amount or quantity than is due or when no such payment is  
26 authorized.27 B. *Upon conviction for any violation of subsection A, the court shall order restitution to be made to*  
28 *the Department of Medical Assistance Services for any loss caused by the violation.*29 C. The Director of the Department of Medical Assistance Services may terminate or deny a contract  
30 to a provider for any violation of this section pursuant to § 32.1-325.