

1995 SESSION

HOUSE SUBSTITUTE

LD2101350

HOUSE BILL NO. 2406

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 5, 1995)

(Patron Prior to Substitute—Delegate McDonnell)

A BILL to amend and reenact § 32.1-314 of the Code of Virginia, relating to Medicaid fraud; penalty.

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-314 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-314. False statement or representation in applications for payment or for use in determining rights to payment; concealment of facts; penalty.

Any person who engages in the following activities shall be guilty of ~~larceny and, in addition to the penalties provided in §§ 18.2-95 and 18.2-96 as applicable,~~ a felony punishable by a term of imprisonment of not less than one nor more than twenty years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than twelve months and, in addition to such imprisonment or confinement, may be fined an amount not to exceed \$25,000:

1. Knowingly and willfully making or causing to be made any false statement or representation of a material fact in any application for any payment under medical assistance; or

2. At any time knowingly and willfully making or causing to be made any false statement or representation of a material fact for use in determining rights to such payment, or knowingly and willfully falsifying, concealing or covering up by any trick, scheme or device a material fact in connection with such application or payment; or

3. When having knowledge of the occurrence of any event affecting (i) the initial or continued right to any payment, or (ii) the initial or continued right to any such payment of any other individual in whose behalf he has applied for or is receiving such payments, willfully concealing or failing to disclose such event with an intent fraudulently to secure such payment either in a greater amount or quantity than is due or when no such payment is authorized.

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