

VIRGINIA ACTS OF ASSEMBLY -- 1996 RECONVENED SESSION

CHAPTER 991

An Act to amend and reenact § 32.1-321.3 of the Code of Virginia, relating to actions to recover fraudulently obtained Medicaid benefits.

[H 791]

Approved April 17, 1996

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-321.3 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-321.3. Fraudulently obtaining benefits; liability for fraudulently issued benefits; civil action to recover; penalty.

Any person who, on behalf of himself or another, *issues*, obtains or attempts to obtain medical assistance benefits by means of (i) willful false statement, (ii) willful misrepresentation or concealment of a material fact, or (iii) any other fraudulent scheme or device shall be liable for repayment of ~~any excess benefits received~~ *the cost of all benefits issued as a result of such fraud*, plus interest on the amount of the ~~excess~~ *benefits issued* at the rate of one and one-half percent per month for the period from the date upon which payment was made for such benefits to the date on which repayment is made to the Commonwealth.

~~In the event that~~ *Such matters may be referred for criminal action to the attorney for the Commonwealth having jurisdiction over the case declines to bring criminal action.* The Attorney General may, *independent of any referral to or decision of the attorney for the Commonwealth*, petition the circuit court in the jurisdiction of the alleged offense to seek an order assessing civil penalties in the amount of the benefits ~~received~~ *issued*, in addition to repayment and interest and any other penalties provided by law.

All civil penalties shall be deposited in the general fund of the state treasury upon receipt.