S T A T E O F N E W Y O R K

1659

2011-2012 Regular Sessions

I N S E N A T E

January 11, 2011

Introduced by Sen. SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to health care fraud

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 177.10 of the penal law, as added by chapter 442 of the laws of 2006, is amended to read as follows:

S 177.10 Health care fraud in the fourth degree.

A person is guilty of health care fraud in the fourth degree when such person, on one or more occasions, commits the crime of health care fraud in the fifth degree and the payment or portion of the payment wrongfully received, as the case may be, from a single health plan, in a period of not more than one year, exceeds [three] *ONE* thousand dollars in the aggregate.

Health care fraud in the fourth degree is a class E felony.

S 2. Section 177.15 of the penal law, as added by chapter 442 of the laws of 2006, is amended to read as follows:

S 177.15 Health care fraud in the third degree.

A person is guilty of health care fraud in the third degree when such person, on one or more occasions, commits the crime of health care fraud in the fifth degree and the payment or portion of the payment wrongfully received, as the case may be, from a single health plan, in a period of not more than one year, exceeds [ten] *FIVE* thousand dollars in the aggregate.

Health care fraud in the third degree is a class D felony.

S 3. Section 177.20 of the penal law, as added by chapter 442 of the laws of 2006, is amended to read as follows:

S 177.20 Health care fraud in the second degree.

A person is guilty of health care fraud in the second degree when such person, on one or more occasions, commits the crime of health care fraud in the fifth degree and the payment or portion of the payment wrongfully

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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received, as the case may be, from a single health plan, in a period of not more than one year, exceeds [fifty] TWENTY-FIVE thousand dollars in the aggregate.

Health care fraud in the second degree is a class C felony.

S 4. Section 177.25 of the penal law, as added by chapter 442 of the laws of 2006, is amended to read as follows:

S 177.25 Health care fraud in the first degree.

A person is guilty of health care fraud in the first degree when such person, on one or more occasions, commits the crime of health care fraud in the fifth degree and the payment or portion of the payment wrongfully received, as the case may be, from a single health plan, in a period of not more than one year, exceeds [one million] FIVE HUNDRED THOUSAND dollars in the aggregate.

Health care fraud in the first degree is a class B felony.

S 5. This act shall take effect immediately.