

111

2009-2010 Regular Sessions

I N   S E N A T E

(PREFILED)

January 7, 2009

---

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:

1     Section 1. Section 177.10 of the penal law, as added by chapter 442 of  
2     the laws of 2006, is amended to read as follows:  
3     S 177.10 Health care fraud in the fourth degree.  
4     A person is guilty of health care fraud in the fourth degree when such  
5     person, on one or more occasions, commits the crime of health care fraud  
6     in the fifth degree and the payment or portion of the payment wrongfully  
7     received, as the case may be, from a single health plan, in a period of  
8     not more than one year, exceeds [three] ONE thousand dollars in the  
9     aggregate.  
10    Health care fraud in the fourth degree is a class E felony.  
11    S 2. Section 177.15 of the penal law, as added by chapter 442 of the  
12    laws of 2006, is amended to read as follows:  
13    S 177.15 Health care fraud in the third degree.  
14    A person is guilty of health care fraud in the third degree when such  
15    person, on one or more occasions, commits the crime of health care fraud  
16    in the fifth degree and the payment or portion of the payment wrongfully  
17    received, as the case may be, from a single health plan, in a period of  
18    not more than one year, exceeds [ten] FIVE thousand dollars in the  
19    aggregate.  
20    Health care fraud in the third degree is a class D felony.  
21    S 3. Section 177.20 of the penal law, as added by chapter 442 of the  
22    laws of 2006, is amended to read as follows:  
23    S 177.20 Health care fraud in the second degree.  
24    A person is guilty of health care fraud in the second degree when such  
25    person, on one or more occasions, commits the crime of health care fraud

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

LBD02003-01-9

1 in the fifth degree and the payment or portion of the payment wrongfully  
2 received, as the case may be, from a single health plan, in a period of  
3 not more than one year, exceeds [fifty] TWENTY-FIVE thousand dollars in  
4 the aggregate.

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

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

8 S 177.25 Health care fraud in the first degree.

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

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

16 S 5. This act shall take effect immediately.