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

5313

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. MORAHAN -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services

AN ACT to amend the social services law, in relation to the abstraction or misapplication of money, funds or property of an organization authorized as a medicaid provider by an officer, director, trustee, employee or agent thereof

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

Section 1. The social services law is amended by adding a new section 363-e to read as follows:

S 363-E. ABSTRACTION OR MISAPPLICATION OF MEDICAL ASSISTANCE MONEY, FUNDS OR PROPERTY OF AN ORGANIZATION AUTHORIZED AS A MEDICAID PROVIDER. 1. DEFINITION. FOR PURPOSES OF THIS SECTION, THE TERM "ORGANIZATION" SHALL MEAN AN ORGANIZATION WHICH IS QUALIFIED AND AUTHORIZED TO PROVIDE SERVICES UNDER THE PUBLIC HEALTH LAW OR MENTAL HYGIENE LAW, AND SUCH ORGANIZATION IS AUTHORIZED AS A MEDICAID PROVIDER.

2. ABSTRACTION OR MISAPPLICATION OF MEDICAL ASSISTANCE MONEY, FUNDS OR PROPERTY IN THE THIRD DEGREE. ANY OFFICER, DIRECTOR, TRUSTEE, EMPLOYEE OR AGENT OF AN ORGANIZATION RECEIVING MEDICAL ASSISTANCE MONEY, FUNDS OR PROPERTY PURSUANT TO THIS TITLE, WHO ABSTRACTS OR WILFULLY MISAPPLIES ANY OF SUCH MONEY, FUNDS OR PROPERTY IS GUILTY OF A CLASS E FELONY.

3. ABSTRACTION OR MISAPPLICATION OF MEDICAL ASSISTANCE MONEY, FUNDS OR PROPERTY IN THE SECOND DEGREE. ANY OFFICER, DIRECTOR, TRUSTEE, EMPLOYEE OR AGENT OF AN ORGANIZATION RECEIVING MEDICAL ASSISTANCE MONEY, FUNDS OR PROPERTY PURSUANT TO THIS TITLE, WHO ABSTRACTS OR WILFULLY MISAPPLIES ANY OF SUCH MONEY, FUNDS OR PROPERTY IS GUILTY OF A CLASS D FELONY WHERE THE AMOUNT OF THE MONEY, FUNDS OR PROPERTY SO ABSTRACTED OR WILFULLY MISAPPLIED EXCEEDS THREE THOUSAND DOLLARS.

4. ABSTRACTION OR MISAPPLICATION OF MEDICAL ASSISTANCE MONEY, FUNDS OR PROPERTY IN THE FIRST DEGREE. ANY OFFICER, DIRECTOR, TRUSTEE, EMPLOYEE OR AGENT OF AN ORGANIZATION RECEIVING MEDICAL ASSISTANCE MONEY, FUNDS OR

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

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PROPERTY PURSUANT TO THIS TITLE, WHO ABSTRACTS OR WILFULLY MISAPPLIES ANY OF SUCH MONEY, FUNDS OR PROPERTY IS GUILTY OF A CLASS C FELONY WHERE THE AMOUNT OF THE FUNDS SO ABSTRACTED OR WILFULLY MISAPPLIED EXCEEDS FIFTY THOUSAND DOLLARS.

5. DEPUTY ATTORNEY GENERAL FOR MEDICAID FRAUD CONTROL. IN ADDITION TO ANY OTHER DUTIES ESTABLISHED BY LAW, RULE OR REGULATION, THE OFFICE OF THE DEPUTY ATTORNEY GENERAL FOR MEDICAID FRAUD CONTROL MAY INVESTIGATE AND PROSECUTE ALLEGED OR ACTUAL ABSTRACTION OR MISAPPLICATION OF MEDICAL ASSISTANCE MONEY, FUNDS OR PROPERTY PURSUANT TO THIS SECTION.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.