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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.

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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.