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

5631

2011-2012 Regular Sessions

I N S E N A T E

June 8, 2011

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

AN ACT to amend the executive law, in relation to the disposition of moneys received as a result of the prosecution of medicaid fraud offenses by local district attorneys

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

Section 1. The executive law is amended by adding a new article 5-A to read as follows:

ARTICLE 5-A

MEDICAID FRAUD REIMBURSEMENT

SECTION 80. DISPOSITION OF MONEYS RECEIVED AS THE RESULT OF THE PROSECUTION OF MEDICAID FRAUD.

S 80. DISPOSITION OF MONEYS RECEIVED AS THE RESULT OF THE PROSECUTION OF MEDICAID FRAUD. 1. FOR THE PURPOSES OF THIS SECTION, "MEDICAID FRAUD" SHALL MEAN THE KNOWING COMMISSION OF ANY CRIME WITH INTENT TO ILLEGALLY RECEIVE BENEFITS, OR REIMBURSEMENT FROM THE MEDICAL ASSISTANCE FOR NEEDY PERSONS PROGRAM ESTABLISHED AND ADMINISTERED PURSUANT TO THE SOCIAL SERVICES LAW, THE PUBLIC HEALTH LAW AND FEDERAL LAW.

2. IF, UPON PROSECUTION OF ANY CASE FOR MEDICAID FRAUD BY A DISTRICT ATTORNEY'S OFFICE BASED UPON INFORMATION AND EVIDENCE DEVELOPED BY SUCH DISTRICT ATTORNEY'S OFFICE, A COURT AWARDS RESTITUTION OR CIVIL FORFEITURE, THE FOLLOWING PORTION OF THE NON-FEDERAL SHARE OF THE PROCEEDS OF SUCH RESTITUTION OR CIVIL FORFEITURE SHALL BE ALLOCATED AS FOLLOWS:

(I) THIRTY PERCENT OF THE RECOVERED AMOUNT SHALL BE ALLOCATED TO THE DISTRICT ATTORNEY'S OFFICE WHICH PROSECUTED THE OFFENSE; AND

(II) THE REMAINDER THEREOF SHALL BE DEPOSITED INTO THE GENERAL FUND OF THE STATE.

S 2. This act shall take effect immediately.

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

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