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Legislative Document

No. 1388

H.P. 991

House of Representatives, April 10, 2013

**An Act To Clarify Civil Liability of Persons Making False Claims to
the Department of Health and Human Services**

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.
Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SANDERSON of Chelsea.
Cosponsored by Senator HAMPER of Oxford.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §15, first ¶**, as amended by PL 1995, c. 191, §1, is further
3 amended to read:

4 Any person, firm, association, partnership, corporation or other legal entity who
5 makes or causes to be made or presents or causes to be presented for payment or approval
6 any claim upon or against the department or upon any funds administered by the
7 department, knowing such claim to be false, fictitious or fraudulent, ~~or who, for the~~
8 ~~purpose of obtaining or aiding another to obtain the payment or approval of such a claim,~~
9 makes any false written statement or submits any false document ~~that the person does not~~
10 ~~believe to be true, material to a false, fictitious or fraudulent claim~~ or who enters into any
11 agreement, combination or conspiracy to defraud the department by obtaining the
12 payment or approval of any false, fictitious or fraudulent claim, ~~shall or who makes or~~
13 ~~causes to be made a false written statement or record material to an obligation to pay or~~
14 ~~transmit money or property to the department or knowingly conceals or knowingly and~~
15 ~~improperly avoids or decreases an obligation to pay or transmit money or property to the~~
16 ~~department is~~, in addition to any criminal liability that may be provided by law, ~~be~~
17 subject to civil suit by this State in the Superior Court for recovery of civil penalties to
18 include the following:

19 **Sec. 2. 22 MRSA §15**, as amended by PL 1995, c. 191, §§1 to 4, is further
20 amended by adding at the end a new paragraph to read:

21 For purposes of this section, "knowing" or "knowingly" means that, with respect to
22 information, a person has actual knowledge of the information, acts in deliberate
23 ignorance of the truth or falsity of the information or acts in reckless disregard of the truth
24 or falsity of the information. A person may act knowingly without specific intent to
25 defraud.

26 **SUMMARY**

27 This bill clarifies liability for conduct associated with false claims made to the
28 Department of Health and Human Services. It changes the description of the statements,
29 documents and records the making or submission of which incurs liability and adds
30 provisions governing so-called reverse false claims, submission of false information to
31 the department in order to avoid or decrease an obligation to pay or transmit money or
32 property to the department. It adds a definition of "knowing" or "knowingly."