

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1615 Session of
1983

INTRODUCED BY BARBER, BELOFF, WIGGINS, MANDERINO, CALTAGIRONE,
BATTISTO, WARGO, OLIVER, GANNON, MILLER, BURD AND MCINTYRE,
OCTOBER 19, 1983

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, OCTOBER 19, 1983

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," further providing for
4 certain periods of ineligibility in the medical assistance
5 program.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 1407(b) of the act of June 13, 1967
9 (P.L.31, No.21), known as the Public Welfare Code, added July
10 10, 1980 (P.L.493, No.105), is amended to read:

11 Section 1407. Provider Prohibited Acts, Criminal Penalties
12 and Civil Remedies.--* * *

13 (b) (1) A person who violates any provision of subsection
14 (a), excepting subsection (a)(11), is guilty of a felony of the
15 third degree for each such violation with a maximum penalty of
16 fifteen thousand dollars (\$15,000) and seven years imprisonment.
17 A violation of subsection (a) shall be deemed to continue so
18 long as the course of conduct or the defendant's complicity
19 therein continues; the offense is committed when the course of

1 conduct or complicity of the defendant therein is terminated in
2 accordance with the provisions of 42 Pa.C.S. § 5552(d) (relating
3 to other offenses). Whenever any person has been previously
4 convicted in any state or Federal court of conduct that would
5 constitute a violation of subsection (a), a subsequent
6 allegation, indictment or information under subsection (a) shall
7 be classified as a felony of the second degree with a maximum
8 penalty of twenty-five thousand dollars (\$25,000) and ten years
9 imprisonment.

10 (2) In addition to the penalties provided under subsection
11 (b), the trial court shall order any person convicted under
12 subsection (a):

13 (i) to repay the amount of the excess benefits or payments
14 plus interest on that amount at the maximum legal rate from the
15 date payment was made by the Commonwealth to the date repayment
16 is made to the Commonwealth;

17 (ii) to pay an amount not to exceed threefold the amount of
18 excess benefits or payments.

19 (3) Any person convicted under subsection (a) shall be
20 ineligible to participate in the medical assistance program for
21 a period [of five years] from the date of conviction as provided
22 for in the table below. The department shall notify any provider
23 so convicted that the provider agreement is terminated for five
24 years, and the provider is entitled to a hearing on the sole
25 issue of identity. If the conviction is set aside on appeal, the
26 termination shall be lifted.

27	<u>Amount for</u>	<u>Period of</u>
28	<u>Which Convicted</u>	<u>Ineligibility</u>
29	<u>Up to \$2,499</u>	<u>1 Year</u>
30	<u>2,500 to 4,999</u>	<u>2 Years</u>

1	<u>5,000 to 9,999</u>	<u>3 Years</u>
2	<u>10,000 to 14,999</u>	<u>4 Years</u>
3	<u>15,000 and over</u>	<u>5 Years</u>

4 (4) The Attorney General and the district attorneys of the
5 several counties shall have concurrent authority to institute
6 criminal proceedings under the provisions of this section.

7 (5) As used in this section the following words and phrases
8 shall have the following meanings:

9 "Conviction" means a verdict of guilty, a guilty plea, or a
10 plea of nolo contendere in the trial court.

11 "Medically unnecessary or inadequate services or merchandise"
12 means services or merchandise which are unnecessary or
13 inadequate as determined by medical professionals engaged by the
14 department who are competent in the same or similar field within
15 the practice of medicine.

16 * * *

17 Section 2. This act shall take effect immediately.