

are hereby added to Article 27 - Crimes and Punishments, of the Annotated Code of Maryland (1976 Replacement Volume and 1976 Supplement) to read as follows:

Article 27 - Crimes and Punishments

FRAUD - MEDICAL ASSISTANCE

230B.

(A) IN THIS SUBHEADING, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "MEDICAID FRAUD" MEANS:

(1) KNOWINGLY AND WILFULLY MAKING OR CAUSING TO BE MADE ANY FALSE STATEMENT OR REPRESENTATION OF A MATERIAL FACT IN ANY APPLICATION FOR ANY BENEFIT OR PAYMENT UNDER A STATE PLAN ESTABLISHED BY TITLE XIX OF THE SOCIAL SECURITY ACT OF 1939;

(2) KNOWINGLY AND WILFULLY MAKING OR CAUSING TO BE MADE ANY FALSE STATEMENT OR REPRESENTATION OF A MATERIAL FACT FOR USE IN DETERMINING RIGHTS TO THOSE BENEFITS OR PAYMENTS;

(3) HAVING KNOWLEDGE OF THE OCCURRENCE OF ANY EVENT AFFECTING (I) THE INITIAL OR CONTINUED RIGHT TO THOSE BENEFITS OR PAYMENTS; OR (II) THE INITIAL OR CONTINUED RIGHT TO THOSE BENEFITS OR PAYMENTS TO ANY OTHER INDIVIDUAL IN WHOSE BEHALF AN APPLICATION HAS BEEN MADE OR IN WHOSE BEHALF BENEFITS OR PAYMENTS ARE BEING RECEIVED; AND CONCEALING OR FAILING TO DISCLOSE THAT EVENT WITH AN INTENT TO SECURE FRAUDULENTLY THOSE BENEFITS OR PAYMENTS EITHER IN A GREATER AMOUNT OR QUANTITY THAN IS DUE OR WHEN BENEFITS OR PAYMENTS ARE NOT AUTHORIZED;

(4) HAVING MADE APPLICATION TO RECEIVE OR HAVING RECEIVED ANY OF THOSE BENEFITS OR PAYMENTS FOR THE USE AND BENEFIT OF ANOTHER; AND KNOWINGLY AND WILFULLY CONVERTING ANY PART OF THE BENEFIT OR PAYMENT TO A USE OTHER THAN FOR THE USE AND BENEFIT OF THAT OTHER PERSON;

(5) FURNISHING TO A PERSON ITEMS OF SERVICES FOR WHICH PAYMENT OF ANY PART IS OR MAY BE MADE FROM FEDERAL OR STATE FUNDS UNDER A STATE MEDICAL ASSISTANCE PROGRAM; AND SOLICITING, OFFERING, OR RECEIVING ANY (I) KICKBACK OR BRIBE IN CONNECTION WITH THE FURNISHING OF THOSE ITEMS OR SERVICES, OR THE MAKING OR RECEIPT OF ANY PAYMENT; OR (II) REBATE OF ANY FEE OR CHARGE FOR REFERRING A PERSON TO ANOTHER PERSON FOR THE FURNISHING OF THOSE ITEMS OR SERVICES; OR

(6) KNOWINGLY OR WILFULLY MAKING OR CAUSING TO BE MADE, INDUCING OR SEEKING TO INDUCE THE MAKING OF ANY FALSE STATEMENT OR REPRESENTATION OF A MATERIAL FACT WITH RESPECT TO THE CONDITIONS OR OPERATION OF ANY