

Defined terms: "Program" § 15-101
"Program recipient" § 15-101 "Secretary" § 1-101

15-123. FRAUD.

(A) IN GENERAL.

(1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) "CONVICTED" INCLUDES BEING CONVICTED AFTER A PLEA OF NOLO CONTENDERE.

(III) "FRAUD" INCLUDES THE COMMISSION OF OR AN ATTEMPT OR CONSPIRACY TO COMMIT A CRIME SUCH AS CONCEALMENT OF MEDICAL RECORDS, EMBEZZLEMENT, FALSE PRETENSES, LARCENY, LARCENY AFTER TRUST, MEDICAID FRAUD, MISAPPROPRIATION BY A FIDUCIARY, OR THEFT.

(IV) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, LIMITED PARTNERSHIP, OR CORPORATION, INCLUDING A PROFESSIONAL CORPORATION FORMED UNDER TITLE 5, SUBTITLE 1 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

(2) A PERSON WHO IS CONVICTED OF FRAUD IN CONNECTION WITH THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR A SIMILAR PROGRAM OF ANY OTHER STATE IS INELIGIBLE FOR FURTHER PAYMENT UNDER THE MARYLAND MEDICAL ASSISTANCE PROGRAM.

(B) HEALTH CARE PROVIDERS.

(1) ANY HEALTH CARE PROVIDER WHO IS CONVICTED OF FRAUD, OR WHO SUFFERS A JUDGMENT IN FAVOR OF THIS STATE IN A CIVIL ACTION BASED ON FRAUD, IN OBTAINING MEDICAID OVERPAYMENTS IS LIABLE TO THIS STATE FOR TRIPLE THE AMOUNT OF THE OVERPAYMENT.

(2) IN EITHER A CRIMINAL OR CIVIL ACTION, THE COURT SHALL AWARD THE APPROPRIATE SUM IN ITS SENTENCE OR JUDGMENT.

REVISOR'S NOTE: This section formerly appeared as Article 43, §§ 42J and 42K.

In subsection (a)(1)(iii) of this section, the former phrase "but is not limited to" is deleted as unnecessary in light of the use of the defined term "includes".

In subsection (a)(1)(iv) of this section, the reference to a "professional corporation formed under Title 5, Subtitle 1 of the Corporations and Associations Article" is substituted for the erroneous reference to a "professional association formed under § 5 (sic)".