
A BILL FOR AN ACT

RELATING TO MEDICAL ASSISTANCE FRAUD.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 346-43.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~[+] §346-43.5 [+] Medical assistance [frauds,~~ fraud,
4 penalties. ~~[It is unlawful for any person to]~~ (a) A person
5 commits the offense of medical assistance fraud if:

6 (1) The person knowingly and wilfully [make] makes or
7 [cause] causes to be made to the medical assistance
8 program any false statement or representation of a
9 material fact in any application for any benefit or
10 payment for furnishing services or supplies, or for
11 the purpose of obtaining greater compensation than
12 that to which the person is legally entitled, or for
13 the purpose of obtaining authorization for furnishing
14 services or supplies [. ~~Violation of this section~~
15 ~~shall be a class C felony. The enforcement of~~
16 ~~remedies provided under this section are not exclusive~~



1 ~~and shall not preclude the use of any other criminal~~
2 ~~or civil remedy.]; or~~

3 (2) The person knowingly makes or causes to be made any
4 false statement or representation of a material fact
5 in any application for any medical assistance benefit
6 or renewal of any medical assistance benefit, or in
7 any statement, document, or record, in written,
8 printed, or electronic form, in support of, or
9 connected with, that application for or renewal of
10 medical assistance benefits.

11 (b) A person convicted under subsection (a)(2) shall pay
12 restitution equivalent to the amount of medical assistance
13 benefits paid by the State on behalf of that person.

14 (c) For purposes of this section, the term "medical
15 assistance benefit" means health care coverage or services,
16 including medical, behavioral health, dental, or long-term care
17 services, provided to or paid for on behalf of a person by the
18 State, regardless of source of funding. Payment for medical
19 assistance benefits may be made through capitated payments,
20 insurance premiums, co-payments, any payments made by the State
21 to that person's health care providers, and any other payments



1 made by the State on behalf of the person for health care
2 coverage or services.

3 (d) The offense of medical assistance fraud is a class C
4 felony.

5 (e) The remedies provided under this section are not
6 exclusive and shall not preclude the use of any other criminal
7 or civil remedy."

8 SECTION 2. Section 701-108, Hawaii Revised Statutes, is
9 amended by amending subsection (3) to read as follows:

10 "(3) If the period prescribed in subsection (2) has
11 expired, a prosecution may nevertheless be commenced for:

12 (a) Any offense an element of which is [~~either~~] fraud,
13 deception[~~7~~] as defined in section 708-800, [~~or~~] a
14 breach of fiduciary obligation, or the offense of
15 medical assistance fraud under section 346-43.5,
16 within three years after discovery of the offense by
17 an aggrieved party or by a person who has a legal duty
18 to represent an aggrieved party and who is oneself not
19 a party to the offense, but in no case shall this
20 provision extend the period of limitation by more than



1 six years from the expiration of the period of
2 limitation prescribed in subsection (2);
3 (b) Any offense based on misconduct in office by a public
4 officer or employee at any time when the defendant is
5 in public office or employment or within two years
6 thereafter, but in no case shall this provision extend
7 the period of limitation by more than three years from
8 the expiration of the period of limitation prescribed
9 in subsection (2); and
10 (c) Any felony offense involving evidence containing
11 deoxyribonucleic acid from the offender, if a test
12 confirming the presence of deoxyribonucleic acid is
13 performed prior to expiration of the period of
14 limitation prescribed in subsection (2), but in no
15 case shall this provision extend the period of
16 limitation by more than ten years from the expiration
17 of the period of limitation prescribed in subsection
18 (2)."

19 SECTION 3. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun, before the effective date of this Act.



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Medical Assistance Fraud

Description:

Clarifies that fraudulently applying for or renewing medical assistance benefits is a class C felony and specifies restitution amount chargeable for a violation. Applies extended statute of limitations for felonies involving fraud or deception to medical assistance fraud. (HB900 HD1)

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