

BILL ANALYSIS

Senate Research Center
80R1924 ABC-F

H.B. 889
By: Delisi (Nichols)
Health & Human Services
4/14/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The federal False Claims Act (FCA), after which the Texas Medicaid Fraud Prevention Act (TMFPA) (Human Resources Code, Chapter 36) is patterned, makes it a violation of the FCA to engage in conduct that would violate the federal anti-kickback statute. However, TMFPA does not include such language creating a violation.

H.B. 889 provides that conduct that is considered a violation of the FCA's anti-kickback provision is also a violation of TMFPA. This bill provides the Office of the Attorney General with the authority to combat fraud against the Texas Medicaid program.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to any state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 36.002, Human Resources Code, as follows:

Sec. 36.002. UNLAWFUL ACTS. Provides that a person commits an unlawful act if the person knowingly engages in conduct that constitutes a violation under Section 32.039(b) (relating to knowingly making or inducing false statements regarding Medicaid).

SECTION 2. (a) Makes application of Section 36.002, Human Resources Code, as amended by this Act, prospective.

(b) Provides that for purposes of this section, conduct constituting an offense under the penal law of this state occurred before the effective date of this Act if any element of the offense occurred before the date.

SECTION 3. Effective date: September 1, 2007.