



January 26, 2007

SENATE BILL No. 316

DIGEST OF SB 316 (Updated January 24, 2007 11:28 am - DI 104)

Citations Affected: IC 5-11; IC 12-7.

Synopsis: Definition of knowing. Defines various forms of the word "know" for purposes of the false claims act and for statutes regarding improper Medicaid payments.

Effective: Upon passage.

Miller

January 11, 2007, read first time and referred to Committee on Health and Provider Services.
January 25, 2007, reported favorably — Do Pass.

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SB 316—LS 7397/DI 104+



January 26, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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SENATE BILL No. 316



A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-11-5.5-1, AS ADDED BY P.L.222-2005,
- 2 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 UPON PASSAGE]: Sec. 1. The following definitions apply throughout
- 4 this chapter:
- 5 (1) "Claim" means a request or demand for money or property that
- 6 is made to a contractor, grantee, or other recipient if the state:
- 7 (A) provides any part of the money or property that is
- 8 requested or demanded; or
- 9 (B) will reimburse the contractor, grantee, or other recipient
- 10 for any part of the money or property that is requested or
- 11 demanded.
- 12 (2) "Documentary material" means:
- 13 (A) the original or a copy of a book, record, report,
- 14 memorandum, paper, communication, tabulation, chart, or
- 15 other document;
- 16 (B) a data compilation stored in or accessible through
- 17 computer or other information retrieval systems, together with

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1 instructions and all other materials necessary to use or
 2 interpret the data compilations; and
 3 (C) a product of discovery.
 4 (3) "Investigation" means an inquiry conducted by an investigator
 5 to ascertain whether a person is or has been engaged in a violation
 6 of this chapter.
 7 **(4) "Knowing", "knowingly", or "known" means that a**
 8 **person, regarding information:**
 9 **(A) has actual knowledge of the information;**
 10 **(B) acts in deliberate ignorance of the truth or falsity of the**
 11 **information; or**
 12 **(C) acts in reckless disregard of the truth or falsity of the**
 13 **information.**
 14 ~~(4)~~ **(5) "Person"** includes a natural person, a corporation, a firm,
 15 an association, an organization, a partnership, a limited liability
 16 company, a business, or a trust.
 17 ~~(5)~~ **(6) "Product of discovery"** means the original or duplicate of:
 18 (A) a deposition;
 19 (B) an interrogatory;
 20 (C) a document;
 21 (D) a thing;
 22 (E) a result of the inspection of land or other property; or
 23 (F) an examination or admission;
 24 that is obtained by any method of discovery in a judicial or an
 25 administrative proceeding of an adversarial nature. The term
 26 includes a digest, an analysis, a selection, a compilation, a
 27 derivation, an index, or another method of accessing an item
 28 listed in this subdivision.
 29 ~~(6)~~ **(7) "State"** means Indiana or any agency of state government.
 30 The term does not include a political subdivision.
 31 SECTION 2. IC 12-7-2-122.3 IS ADDED TO THE INDIANA
 32 CODE AS A NEW SECTION TO READ AS FOLLOWS
 33 [EFFECTIVE UPON PASSAGE]: **Sec. 122.3. "Knew" or "know",**
 34 **for purposes of IC 12-15-23, means that a person, regarding**
 35 **information:**
 36 **(1) has actual knowledge of information;**
 37 **(2) acts in deliberate ignorance of the truth or falsity of the**
 38 **information; or**
 39 **(3) acts in reckless disregard of the truth or falsity of the**
 40 **information.**
 41 SECTION 3. **An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 316, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 316 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 10, Nays 0.

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