

March 3, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1037

Page 1, line 1, replace the second "and" with a comma and after "65-02-30" insert ", and 65-05-33"

Page 1, line 3, after "insurance" insert "and workers' compensation fraud; and to provide a penalty"

Page 3, after line 2 insert:

**"SECTION 3. AMENDMENT.** Section 65-05-33 of the North Dakota Century Code is amended and reenacted as follows:

**65-05-33. Filing false claim or false statement - Penalty.**

1. A person ~~who~~ that claims benefits or payment for services under this title or the employer of ~~a person~~ an employee who claims benefits or payments for services is guilty of a class A misdemeanor if the person or employer does any one or more of the following:
  - a. Willfully files a false claim or makes a false statement in an attempt to ~~secure~~;
    - (1) Secure payment of benefits or payment for services; or
    - (2) Affect a decision regarding payment of benefits or payment for services.
  - b. Willfully misrepresents ~~that person's~~ the employee's physical condition, including deceptive conduct which misrepresents that person's physical ability.
  - c. Has a claim for disability benefits that has been accepted by the organization and willfully fails to notify the organization of:
    - (1) Work or other activities as required under subsection 3 of section 65-05-08;
    - (2) The receipt of income from work; or
    - (3) An increase in income from work.
2. If any of the acts in subsection 1 are committed to obtain, or pursuant to a scheme to obtain, more than five hundred dollars in benefits, in other financial gain, or in payment for services, the offense is a class C felony. The cost of an investigation under this section which results in a criminal conviction against the employer may be charged to the employer's account and collected by civil action.
3. In addition to any other penalties provided by law, the person claiming benefits or payment for services in violation of this section shall reimburse the organization for any benefits paid or payment for services based upon

the false claim or false statement and, if applicable, under section 65-05-29 and shall forfeit any additional benefits relative to that injury.

4. For purposes of this section, "statement" includes any testimony, claim form, notice, proof of injury, proof of return to work status, bill for services, diagnosis, prescription, hospital or doctor records, x-ray, test results, or other evidence of loss, injury, or expense."

Renumber accordingly