

Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1435

Introduced by

Representatives Beltz, Nelson, Schneider, Vigesaa, Weisz

Senators Hogan, Lee, K. Roers, Sickler

1 A BILL for an Act to create and enact section 50-24.8-11.1 of the North Dakota Century Code,
2 relating to Medicaid fraud retention of records requirements; and to provide a penalty.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** Section 50-24.8-11.1 of the North Dakota Century Code is created and
5 enacted as follows:

6 **50-24.8-11.1. Failure to create, retain, and provide records - Penalty.**

- 7 1. A person that submits a claim for or receives a payment for a good or service under
8 the state's Medicaid program, at the time the good or service is provided, shall create
9 and retain records as required by rule of the department and chapter 50-24.8.
- 10 2. A person that submits a claim for or receives payment for a good or service under the
11 state's Medicaid program which willfully fails to create records at the time the service
12 or good is provided, fails to maintain or retain the records for ~~a period of at least seven~~
13 ~~years following the date on which the claim for payment was submitted or payment~~
14 ~~received, whichever date is later, the length of time stated in the most current provider~~
15 ~~agreement applicable to that provider,~~ fails to provide records when requested to do so
16 by the department or attorney general, or destroys the records ~~within the seven years~~
17 ~~following the date on which claims for payment were submitted or payments received,~~
18 ~~whichever date is later, in a manner inconsistent with the most current provider~~
19 ~~agreement applicable to that provider,~~ is guilty of:
- 20 ~~a. A~~ a class A misdemeanor if the value of the payments, benefits, kickbacks,
21 bribes, rebates, remuneration, services, or claims related to the failure to create,
22 retain, or provide records or related to the destruction of records does not exceed
23 ~~one~~ten thousand dollars and a class C felony if the value is greater than ten
24 thousand dollars.

1 ~~b. A class C felony if the value of the payments, benefits, kickbacks, bribes, rebates,~~
2 ~~remuneration, services, or claims related to the failure to create, retain, or provide~~
3 ~~records or related to the destruction of records exceeds one thousand dollars and~~
4 ~~does not exceed ten thousand dollars.~~

5 ~~c. A class B felony if the value of the payments, benefits, kickbacks, bribes, rebates,~~
6 ~~remuneration, services, or claims related to the failure to create, retain, or provide~~
7 ~~records or related to the destruction of records exceeds ten thousand dollars and~~
8 ~~does not exceed fifty thousand dollars.~~

9 ~~d. A class A felony if the value of the payments, benefits, kickbacks, bribes, rebates,~~
10 ~~remuneration, services, or claims related to the failure to create, retain, or provide~~
11 ~~records or related to the destruction of records exceeds fifty thousand dollars.~~

12 3. It is an affirmative defense to a prosecution under this section that the records in
13 question were lost or destroyed in a natural disaster or by an act that did not result
14 from the conduct of the defendant.

15 4. The consequences and punishments under subsections 6 and 7 of section 50-24.8-11
16 apply to this section.