

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 149

H.P. 118

House of Representatives, January 11, 1999

An Act to Enact a Medicaid Anti-kickback Law.

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative COWGER of Hallowell.
Cosponsored by Senator TREAT of Kennebec and
Representatives: BRUNO of Raymond, BRYANT of Dixfield, CAMERON of Rumford,
COLWELL of Gardiner, MITCHELL of Vassalboro, RICHARDSON of Brunswick, Senators:
ABROMSON of Cumberland, LONGLEY of Waldo.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 22 MRSA §3182-A is enacted to read:**

6 **§3182-A. Illegal remuneration**

8 **1. Soliciting or receiving illegal remuneration. A person**
10 **is guilty of soliciting or receiving illegal remuneration if that**
12 **person knowingly solicits or receives remuneration in cash or in**
14 **kind in return for:**

16 **A. Referring an individual to a person for the furnishing**
18 **or arranging for the furnishing of any item or service for**
20 **which payment may be made in whole or in part under this**
22 **chapter; or**

24 **B. Purchasing, leasing or ordering or arranging for or**
26 **recommending purchasing, leasing or ordering any good,**
28 **facility, service or item for which payment may be made in**
30 **whole or in part under this chapter.**

32 **2. Paying or offering to pay illegal remuneration. A**
34 **person is guilty of paying or offering to pay illegal**
36 **remuneration if that person knowingly offers to pay remuneration**
38 **in cash or in kind to induce another person to:**

40 **A. Refer an individual to a person for the furnishing or**
42 **arranging for the furnishing of any item or service for**
44 **which payment may be made in whole or in part under this**
46 **chapter; or**

48 **B. Purchase, lease or order or arrange for or recommend**
50 **purchasing, leasing or ordering any good, facility, service**
or item for which payment may be made in whole or in part
under this chapter.

3. Exceptions. Subsections 1 and 2 do not apply to:

A. A discount or other reduction in price obtained by a
person if the reduction in price is properly disclosed and
appropriately reflected in the costs claimed or the charges
made by the person under this chapter;

B. An amount paid by an employer to a bona fide employee
for employment in the provision of covered items and
services;

C. An amount paid by a vendor of a good or a service to a
person authorized to act as a purchasing agent for a group
of persons who are furnishing services under this chapter if:

