

By: Krause

H.B. No. 3082

Substitute the following for H.B. No. 3082:

By: Middleton

C.S.H.B. No. 3082

A BILL TO BE ENTITLED

AN ACT

relating to Medicaid fraud actions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 36.112, Human Resources Code, is amended to read as follows:

Sec. 36.112. AWARD TO DEFENDANT FOR FRIVOLOUS ACTION. (a) Chapter 105, Civil Practice and Remedies Code, applies in an action under this subchapter with which the state proceeds.

(b) If the state does not proceed with an action under this subchapter and the person who brought the action proceeds with the action, the court may award the defendant reasonable attorney's fees and expenses to the same extent the defendant would be entitled to recover those fees and expenses under Section 105.002, Civil Practice and Remedies Code, if the state had proceeded with the action, provided that:

(1) the court finds that the action is frivolous; and

(2) the person who brought the action was not the original source of the information on which the action is based.

SECTION 2. The changes in law made by this Act apply only to an action commenced on or after the effective date of this Act. An action commenced before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2021.