

BILL ANALYSIS

H.B. 889
By: Delisi
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The federal False Claims Act (FCA), after which the Texas Medicaid Fraud Prevention Act (TMFPA) (Human Resources Code, Chapter 36) is patterned, specifically makes it a violation of the FCA to engage in conduct that would be violative of the federal anti-kickback statute. However, the TMFPA does not currently include such language. HB 889 will clarify that conduct which violates the state anti-kickback statute is also a violation of the TMFPA. The proposed bill will serve to clarify the applicability of the TMFPA and will provide the Office of the Attorney General with stronger tools to combat fraud against the Texas Medicaid program.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

HB 889 expands the conduct that constitutes an unlawful act against the state Medicaid program to include knowingly engaging in conduct that constitutes a violation under the state medical assistance anti-kickback statute, Section 32.039(b) of the Human Resources Code.

EFFECTIVE DATE

September 1, 2007.