

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 5, 2011

TO: Honorable Lois W. Kolkhorst, Chair, House Committee on Public Health

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: SB544 by Seliger (Relating to unlawful acts against and criminal offenses involving the Medicaid program; providing penalties.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the list of unlawful acts constituting Medicaid fraud and the amount authorized to be collected as civil penalties. It is assumed that the number of such occurrences would be small and any resulting costs could reasonably be absorbed within the existing resources of any affected state agency, including the Office of the Attorney General.

The bill would amend the Penal Code as it relates to Medicaid fraud. Under the provisions of the bill, causing a claim to be made under the Medicaid program for certain services or products would be a criminal offense. Under current statute, Medicaid fraud is punishable at both misdemeanor and felony levels, and punishment is based on the amount of any payment or claim for payment made under the Medicaid program. For this analysis, it is assumed the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 529 Health and Human Services Commission

LBB Staff: JOB, CL, ES, VJC, NB, LR