

SECOND REGULAR SESSION

HOUSE BILL NO. 1401

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SATER (Sponsor), PHILLIPS, FLOOK, BIVINS, PAGE, DUSENBERG, FISHER, WRIGHT (159), LIPKE, SMITH (118), MEINERS, SANDER, WOOD, MEADOWS, WILSON (119), WHORTON AND HOBBS (Co-sponsors).

Read 1st time January 17, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4292L.02I

AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to whistle-blower protections for the reporting of Medicaid fraud.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 191, RSMo, is amended by adding thereto one new section, to be known as section 191.913, to read as follows:

191.913. 1. Any individual or employee who makes a report relating to Medicaid fraud or who testifies in any administrative or judicial proceeding arising from such report:

(1) Shall not be discharged, demoted, suspended, threatened, harassed, or otherwise discriminated against such individual or employee in the terms and conditions of employment or in any other circumstances because such individual or employee initiates, assists in, or participates in a proceeding, or court action involving alleged Medicaid fraud or because such individual or employee cooperates with or assists in an investigation involving alleged Medicaid fraud; and

(2) Shall be immune from any civil or criminal liability for making such a report or for testifying, except for liability for perjury, unless such person acted negligently, recklessly, in bad faith or with malicious purpose.

2. The protections in subsection 1 of this section shall not apply when:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 14 **(1) An individual or employee is found to have made a frivolous report;**
15 **(2) An individual or employee is found to have planned, initiated, or participated**
16 **in the conduct upon which the fraud is alleged; or**
17 **(3) An individual or employee is convicted of or pleads guilty to criminal conduct**
18 **arising from any actions or conduct involving the Medicaid fraud report or claim.**
19 **3. Any person who violates this section is liable to the individual or employee for**
20 **all of the following:**
21 **(1) Reinstatement to the employee's position without loss of seniority;**
22 **(2) Two times the amount of lost back pay;**
23 **(3) Interest on the back pay;**
24 **(4) Compensation for any special damages;**
25 **(5) Any other relief necessary to make the individual or employee whole.**

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