

HB 1790 -- Missouri False Claims Act

Sponsor: Flook

This bill establishes the Missouri False Claims Act. In its main provision, the bill specifies that a person will be liable to the state or relevant political subdivision for a civil penalty if he or she:

- (1) Knowingly presents, or causes to be presented, false or fraudulent claims for payment or approval to any officer or employee of the state, any political subdivision, public school district, or public charter school;
- (2) Knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved or to conceal, avoid, or decrease an obligation to pay or transmit money or property to the government;
- (3) Conspires to defraud the government by getting a false or fraudulent claim allowed or paid;
- (4) Has possession, custody, or control of property or money used, or to be used, by the government and, intending to defraud the government or willfully to conceal the property, delivers or causes to be delivered less property than the amount for which the person receives a certificate or receipt;
- (5) Makes or delivers a certified receipt of property used without completely knowing that the information on the receipt is true if the person is authorized to make or deliver the document and intends to defraud the government;
- (6) Knowingly buys or receives as a pledge of an obligation or debt public property from an officer, agent, or employee of the government who may not sell or pledge the property; or
- (7) Violates Section 105.452, 105.454, 576.010, 576.020, 576.030, 576.040, 576.050, or 576.080, RSMo.

The penalty for anyone committing any of these acts will be between \$10,000 and \$100,000, plus three times the amount of damages sustained by the government or political subdivision unless the court finds that the person furnished the relevant entity charged with investigating the claim with all relevant information; fully cooperated with the investigation; and at the time of production of information and cooperation, had no knowledge of an investigation and no criminal prosecution, civil action, or administrative action had commenced.

The bill also requires the Attorney General to diligently investigate any violation of these provisions and allows any person to bring a civil action for himself or herself and for the government.

Procedures are specified for bringing an action, the investigation, the hearing, the penalties, and the procedures in special circumstances.

The provisions of the bill will not apply to hospitals or medical providers governed under Section 208.164 or Sections 191.900 - 191.910.