

205.8463 Fraudulent acts -- Penalties.

- (1) No person shall knowingly or wantonly devise a scheme or plan a scheme or artifice, or enter into an agreement, combination, or conspiracy to obtain or aid another in obtaining payments from any medical assistance program under this chapter by means of any fictitious, false, or fraudulent application, claim, report, or document submitted to the Cabinet for Health and Family Services, or intentionally engage in conduct which advances the scheme or artifice.
- (2) No person shall intentionally, knowingly, or wantonly make, present, or cause to be made or presented to an employee or officer of the Cabinet for Health and Family Services any false, fictitious, or fraudulent statement, representation, or entry in any application, claim, report, or document used in determining rights to any benefit or payment.
- (3) No person shall, with intent to defraud, knowingly make, or induce, or seek to induce the making of a false statement or false representation of a material fact with respect to the conditions or operations of an institution or facility in order that the institution or facility may qualify, upon initial certification or upon recertification, as a hospital, skilled-nursing facility, intermediate-care facility, home-health agency, or other provider of services to the Medical Assistance Program.
- (4) No person shall, in any matter within the jurisdiction of the Cabinet for Health and Family Services under this chapter, knowingly falsify, conceal, or cover up by any trick, scheme, or device a material fact, or make any false, fictitious, or fraudulent statement or representation, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry.
- (5) (a) Any person who violates subsections (1) and (2) of this section shall be guilty of a Class B misdemeanor unless:
 1. The sum total of benefits or payments claimed in any application, claim, report, or document, or in any combination or aggregation thereof, is valued at five hundred dollars (\$500) or more but less than one thousand dollars (\$1,000), in which case it is a Class A misdemeanor;
 2. The sum total of benefits or payments claimed in any application, claim, report, or document, or in any combination or aggregation thereof, is valued at or above one thousand dollars (\$1,000), in which case it is a Class D felony; or
 3. The person has three (3) or more convictions under subparagraph 1. of this paragraph within the last five (5) years, in which case it is a Class D felony. The five (5) year period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered.
- (b) If any person commits two (2) or more separate violations of subsections (1) and (2) of this section within ninety (90) days, the offenses may be combined and treated as a single offense, and the value of the property in each offense may be aggregated for the purpose of determining the appropriate charge.
- (6) Any person who violates the provisions of subsection (3) of this section shall be

guilty of a Class C felony.

- (7) Any person who violates the provisions of subsection (4) of this section shall be guilty of a Class D felony.

Effective: June 29, 2021

History: Amended 2021 Ky. Acts ch. 66, sec. 2, effective June 29, 2021. -- Amended 2005 Ky. Acts ch. 99, sec. 279, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 226, effective July 15, 1998. -- Created 1994 Ky. Acts ch. 96, sec. 7, effective July 15, 1994; and ch. 316, sec. 7, effective July 15, 1994.