



28 (3) The department may, in its discretion, contract with the Department of Human Services  
29 or other qualified agencies for services in connection with the administration of the Medicaid  
30 program, including but not limited to the determination of the eligibility of individuals for the  
31 program, recovery of overpayments, and enforcement of fraud and abuse laws, consistent with  
32 Section 26-20-13, to the extent permitted by law and quality control services.

33 (4) The department shall provide, by rule, disciplinary measures and sanctions for  
34 Medicaid providers who fail to comply with the rules and procedures of the program, provided that  
35 sanctions imposed administratively may not extend beyond:

- 36 (a) termination from the program;
- 37 (b) recovery of claim reimbursements incorrectly paid; and
- 38 (c) those specified in Section 1919 of Title XIX of the federal Social Security Act.

39 (5) Funds collected as a result of a sanction imposed under Section 1919 of Title XIX of  
40 the federal Social Security Act shall be deposited in the General Fund as nonlapsing dedicated  
41 credits to be used by the division in accordance with the requirements of that section.

42 (6) (a) In determining whether an applicant or recipient is eligible for a service or benefit  
43 under this part or Chapter [39] 40, Children's Health Insurance Program, the department shall, if  
44 Subsection (6)(b) is satisfied, exclude from consideration one passenger vehicle designated by the  
45 applicant or recipient.

46 (b) Before Subsection (6)(a) may be applied:

47 (i) the federal government must:

48 (A) determine that Subsection (6)(a) may be implemented within the state's existing public  
49 assistance-related waivers as of January 1, 1999;

50 (B) extend a waiver to the state permitting the implementation of Subsection (6)(a); or

51 (C) determine that the state's waivers that permit dual eligibility determinations for cash  
52 assistance and Medicaid are no longer valid; and

53 (ii) the department must determine that Subsection (6)(a) can be implemented within  
54 existing funding.

55 Section 2. Section **26-20-13** is enacted to read:

56 **26-20-13. Medicaid fraud enforcement.**

57 (1) This chapter shall be enforced in accordance with this section.

58 (2) The department shall be responsible for:

59           (a) investigating and prosecuting all civil violations of this chapter; and  
60           (b) promptly referring suspected criminal violations of this chapter to the attorney general  
61 for criminal investigation and prosecution.

62           (3) The attorney general shall be responsible for:

63           (a) investigating criminal violations of this chapter that are reported to the attorney general  
64 by the department or others;

65           (b) promptly referring probable civil violations of this chapter that are not related to a  
66 criminal investigation or prosecution to the department for civil investigation and prosecution; and

67           (c) prosecuting criminal violations of this chapter.

68           (4) The department and the attorney general may enter into an interagency agreement  
69 regarding the investigation and prosecution of violations of this chapter in accordance with this  
70 section, the requirements of Title XIX of the federal Social Security Act, and applicable federal  
71 regulations.

72           Section 3. Section **53-10-104** is amended to read:

73           **53-10-104. Division duties.**

74           The division shall:

75           (1) provide and coordinate the delivery of support services to law enforcement agencies;

76           (2) maintain and provide access to criminal records for use by law enforcement agencies;

77           (3) publish law enforcement and statistical data;

78           (4) maintain dispatch and communications services for public safety communications  
79 centers and provide emergency medical, fire suppression, highway maintenance, public works, and  
80 law enforcement communications for municipal, county, state, and federal agencies;

81           (5) analyze evidence from crime scenes and crime-related incidents for criminal  
82 prosecution;

83           (6) provide criminalistic laboratory services to federal, state, and local law enforcement  
84 agencies, prosecuting attorneys' and agencies, and public defenders, with the exception of those  
85 services provided by the state medical examiner in accordance with Title 26, Chapter 4, Utah  
86 Medical Examiner Act;

87           (7) establish satellite laboratories as necessary to provide criminalistic services;

88           (8) safeguard the public through licensing and regulation of activities that impact public  
89 safety, including concealed weapons, emergency vehicles, and private investigators;

- 90 (9) provide investigative assistance to law enforcement and other government agencies;
- 91 (10) collect and provide intelligence information to criminal justice agencies;
- 92 (11) investigate crimes that jeopardize the safety of the citizens, as well as the interests,
- 93 of the state;
- 94 [~~(12) investigate claims of fraud against Medicaid and other insurance carriers;~~]
- 95 [(13)] (12) regulate and investigate laws pertaining to the sale and distribution of liquor;
- 96 [(14)] (13) make rules to implement this chapter; and
- 97 [(15)] (14) perform the functions specified in this chapter.

98 Section 4. Section **53-10-302** is amended to read:

99 **53-10-302. Bureau duties.**

100 The bureau shall:

- 101 (1) upon request, provide assistance and specialized law enforcement services to local law
- 102 enforcement agencies;
- 103 (2) conduct financial investigations regarding suspicious cash transactions, fraud, and
- 104 money laundering;
- 105 (3) investigate organized crime, extremist groups, and others promoting violence;
- 106 (4) investigate criminal activity of terrorist groups;
- 107 (5) enforce the Utah Criminal Code;
- 108 (6) cooperate and exchange information with other state agencies and with other law
- 109 enforcement agencies of government, both within and outside of this state, to obtain information
- 110 that may achieve more effective results in the prevention, detection, and control of crime and
- 111 apprehension of criminals;
- 112 [~~(7) as provided for in state and federal law, investigate and prosecute health care~~
- 113 ~~providers who commit fraud under the Medicaid program;~~]
- 114 [~~(8) as provided for in state and federal law, review and investigate complaints of the~~
- 115 ~~abuse and neglect of patients of health-care facilities that receive payments under the state~~
- 116 ~~medicaid program;~~]
- 117 [(9)] (7) create and maintain a statewide criminal intelligence system;
- 118 [(10)] (8) provide specialized case support and investigate illegal drug production,
- 119 cultivation, and sales;
- 120 [(11)] (9) investigate, follow-up, and assist in highway drug interdiction cases;

121            [~~(12)~~] (10) make rules to implement this chapter; and  
122            [~~(13)~~] (11) perform the functions specified in Part 2, Narcotics and Alcoholic Beverage  
123 Law Enforcement Act.

124            Section 5. Section **67-5-1 (Effective 01/01/01)** is amended to read:

125            **67-5-1 (Effective 01/01/01). General duties.**

126            The attorney general shall, subject to Title 67, Chapter 23, Public Attorneys Act:

127            (1) except as provided in Sections 10-3-928 and 17-18-1, attend the Supreme Court and  
128 the Court of Appeals of this state, and all courts of the United States, and, as attorney, prosecute  
129 or defend all causes to which the state, or any officer, board, or commission of the state in an  
130 official capacity is a party; and, as attorney, represent the state in all civil legal matters in which  
131 the state is interested;

132            (2) with approval of the client:

133            (a) initiate legal proceedings in a court of competent jurisdiction on behalf of the state, or  
134 any officer, board, commission, agency, or instrumentality of the state for the purpose of opposing  
135 or challenging federal laws, regulations, or court orders and their impact on or applicability to the  
136 state; and

137            (b) as the budget permits, retain outside legal counsel with appropriate expertise to  
138 represent the state in the legal proceedings;

139            (3) after judgment on any cause referred to in Subsection (1), direct, with approval of the  
140 client, the issuance of process as necessary to execute the judgment;

141            (4) account for, and pay over to the proper officer, all moneys that come into the attorney  
142 general's possession that belong to the state;

143            (5) keep a file of all cases in which the attorney general is required to appear, including  
144 any documents and papers showing the court in which the cases have been instituted and tried, and  
145 whether they are civil or criminal, and:

146            (a) if civil, the nature of the demand, the stage of proceedings, and when prosecuted to  
147 judgment, a memorandum of the judgment and of any process issued whether satisfied, and if not  
148 satisfied, the return of the sheriff;

149            (b) if criminal, the nature of the crime, the mode of prosecution, the stage of proceedings,  
150 and when prosecuted to sentence, a memorandum of the sentence and of the execution, if the  
151 sentence has been executed, if not executed, of the reason of the delay or prevention; and

- 152 (c) deliver this information to the attorney general's successor in office;
- 153 (6) exercise supervisory powers over the district and county attorneys of the state in all  
154 matters pertaining to the duties of their offices, and from time to time require of them reports of  
155 the condition of public business entrusted to their charge;
- 156 (7) give the attorney general's opinion in writing and without fee to the Legislature or  
157 either house, and to any state officer, board, or commission, and to any county attorney or district  
158 attorney, when required, upon any question of law relating to their respective offices;
- 159 (8) when required by the public service or directed by the governor, assist any district or  
160 county attorney in the discharge of his duties;
- 161 (9) purchase in the name of the state, under the direction of the state Board of Examiners,  
162 any property offered for sale under execution issued upon judgments in favor of or for the use of  
163 the state, and enter satisfaction in whole or in part of the judgments as the consideration of the  
164 purchases;
- 165 (10) when the property of a judgment debtor in any judgment mentioned in Subsection (9)  
166 has been sold under a prior judgment, or is subject to any judgment, lien, or encumbrance taking  
167 precedence of the judgment in favor of the state, redeem the property, under the direction of the  
168 state Board of Examiners, from the prior judgment, lien, or encumbrance, and pay all money  
169 necessary for the redemption, upon the order of the state Board of Examiners, out of any money  
170 appropriated for these purposes;
- 171 (11) when in his opinion it is necessary for the collection or enforcement of any judgment,  
172 institute and prosecute on behalf of the state any action or proceeding necessary to set aside and  
173 annul all conveyances fraudulently made by the judgment debtors, and pay the cost necessary to  
174 the prosecution, when allowed by the state Board of Examiners, out of any money not otherwise  
175 appropriated;
- 176 (12) discharge the duties of a member of all official boards of which the attorney general  
177 is or may be made a member by the Utah Constitution or by the laws of the state, and other duties  
178 prescribed by law;
- 179 (13) institute and prosecute proper proceedings in any court of the state or of the United  
180 States, to restrain and enjoin corporations organized under the laws of this or any other state or  
181 territory from acting illegally or in excess of their corporate powers or contrary to public policy,  
182 and in proper cases forfeit their corporate franchises, dissolve the corporations, and wind up their

183 affairs;

184 (14) institute investigations for the recovery of all real or personal property that may have  
185 escheated or should escheat to the state, and for that purpose, subpoena any persons before any of  
186 the district courts to answer inquiries and render accounts concerning any property, examine all  
187 books and papers of any corporations, and when any real or personal property is discovered that  
188 should escheat to the state, institute suit in the district court of the county where the property is  
189 situated for its recovery, and escheat that property to the state;

190 (15) administer the Children's Justice Center as a program to be implemented in various  
191 counties pursuant to Sections 67-5b-101 through 67-5b-107; [and]

192 (16) assist the Constitutional Defense Council as provided in Title 63C, Chapter 4,  
193 Constitutional Defense Council[-];

194 (17) investigate and prosecute criminal violations of Title 26, Chapter 20, False Claims  
195 Act, in accordance with Section 26-20-13; and

196 (18) investigate and prosecute complaints of abuse, neglect, or exploitation of patients at  
197 health care facilities that receive payments under the state Medicaid program.

198 Section 6. Section **67-5-1 (Superseded 01/01/01)** is amended to read:

199 **67-5-1 (Superseded 01/01/01). General duties.**

200 The attorney general shall:

201 (1) except as provided in Sections 10-3-928 and 17-18-1, attend the Supreme Court and  
202 the Court of Appeals of this state, and all courts of the United States, and prosecute or defend all  
203 causes to which the state, or any officer, board, or commission of the state in an official capacity  
204 is a party; and take charge, as attorney, of all civil legal matters in which the state is interested;

205 (2) when jointly agreed by the governor and the attorney general:

206 (a) initiate legal proceedings in a court of competent jurisdiction on behalf of the state, or  
207 any officer, board, commission, agency, or instrumentality of the state for the purpose of opposing  
208 or challenging federal laws, regulations, or court orders and their impact on or applicability to the  
209 state; and

210 (b) as the budget permits, retain outside legal counsel with appropriate expertise to  
211 represent the state in the legal proceedings;

212 (3) after judgment on any cause referred to in Subsection (1), direct the issuance of process  
213 as necessary to execute the judgment;

214 (4) account for, and pay over to the proper officer, all moneys which come into his  
215 possession, that belong to the state;

216 (5) keep a file of all cases in which he is required to appear, including any documents and  
217 papers showing the court in which the cases have been instituted and tried, and whether they are  
218 civil or criminal, and:

219 (a) if civil, the nature of the demand, the stage of proceedings, and when prosecuted to  
220 judgment, a memorandum of the judgment and of any process issued whether satisfied, and if not  
221 satisfied, the return of the sheriff;

222 (b) if criminal, the nature of the crime, the mode of prosecution, the stage of proceedings,  
223 and when prosecuted to sentence, a memorandum of the sentence and of the execution, if the  
224 sentence has been executed, if not executed, of the reason of the delay or prevention; and

225 (c) deliver this information to his successor in office;

226 (6) exercise supervisory powers over the district and county attorneys of the state in all  
227 matters pertaining to the duties of their offices, and from time to time require of them reports of  
228 the condition of public business entrusted to their charge;

229 (7) give his opinion in writing and without fee to the Legislature or either house, and to  
230 any state officer, board, or commission, and to any county attorney or district attorney, when  
231 required, upon any question of law relating to their respective offices;

232 (8) when required by the public service or directed by the governor, assist any district or  
233 county attorney in the discharge of his duties;

234 (9) purchase in the name of the state, under the direction of the state Board of Examiners,  
235 any property offered for sale under execution issued upon judgments in favor of or for the use of  
236 the state, and enter satisfaction in whole or in part of the judgments as the consideration of the  
237 purchases;

238 (10) when the property of a judgment debtor in any judgment mentioned in Subsection (9)  
239 has been sold under a prior judgment, or is subject to any judgment, lien, or encumbrance taking  
240 precedence of the judgment in favor of the state, redeem the property, under the direction of the  
241 state Board of Examiners, from the prior judgment, lien, or encumbrance, and pay all money  
242 necessary for the redemption, upon the order of the state Board of Examiners, out of any money  
243 appropriated for these purposes;

244 (11) when in his opinion it is necessary for the collection or enforcement of any judgment,



245 institute and prosecute on behalf of the state any action or proceeding necessary to set aside and  
246 annul all conveyances fraudulently made by the judgment debtors, and pay the cost necessary to  
247 the prosecution, when allowed by the state Board of Examiners, out of any money not otherwise  
248 appropriated;

249 (12) discharge the duties of a member of all official boards of which he is or may be made  
250 a member by the Utah Constitution or by the laws of the state, and other duties prescribed by law;

251 (13) institute and prosecute proper proceedings in any court of the state or of the United  
252 States, to restrain and enjoin corporations organized under the laws of this or any other state or  
253 territory from acting illegally or in excess of their corporate powers or contrary to public policy,  
254 and in proper cases forfeit their corporate franchises, dissolve the corporations, and wind up their  
255 affairs;

256 (14) institute investigations for the recovery of all real or personal property that may have  
257 escheated or should escheat to the state, and for that purpose he may cite any persons before any  
258 of the district courts to answer inquiries and render accounts concerning any property, may  
259 examine all books and papers of any corporations, and when any real or personal property is  
260 discovered that should escheat to the state, the attorney general shall institute suit in the district  
261 court of the county where the property is situated for its recovery, and escheat that property to the  
262 state;

263 (15) administer the Children's Justice Center as a program to be implemented in various  
264 counties pursuant to Sections 67-5b-101 through 67-5b-107; [and]

265 (16) assist the Constitutional Defense Council as provided in Title 63C, Chapter 4,  
266 Constitutional Defense Council[-];

267 (17) investigate and prosecute criminal violations of Title 26, Chapter 20, False Claims  
268 Act, in accordance with Section 26-20-13; and

269 (18) investigate and prosecute complaints of abuse, neglect, or exploitation of patients at  
270 health care facilities that receive payments under the state Medicaid program.

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**Legislative Review Note**

**as of 2-7-00 6:54 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**