

Effective 5/12/2015

76-8-1205 Public assistance fraud defined.

Each of the following persons, who intentionally, knowingly, or recklessly commits any of the following acts, is guilty of public assistance fraud:

- (1) a person who uses, transfers, acquires, traffics in, falsifies, or possesses SNAP benefits as defined in Section 35A-1-102, a SNAP identification card, a certificate of eligibility for medical services, a Medicaid identification card, a fund transfer instrument, a payment instrument, or a public assistance warrant in a manner not allowed by law;
- (2) a person who fraudulently misappropriates funds exchanged for SNAP benefits as defined in Section 35A-1-102, or an identification card, certificate of eligibility for medical services, Medicaid identification card, or other public assistance with which the person has been entrusted or that has come into the person's possession in connection with the person's duties in administering a state or federally funded public assistance program;
- (3) a person who receives an unauthorized payment as a result of acts described in this section;
- (4) a provider who receives payment or a client who receives benefits after failing to comply with any applicable requirement in Sections 76-8-1203 and 76-8-1204;
- (5) a provider who files a claim for payment under a state or federally funded public assistance program for goods or services not provided to or for a client of that program;
- (6) a provider who files or falsifies a claim, report, or document required by state or federal law, rule, or provider agreement for goods or services not authorized under the state or federally funded public assistance program for which the goods or services were provided;
- (7) a provider who fails to credit the state for payments received from other sources;
- (8) a provider who bills a client or a client's family for goods or services not provided, or bills in an amount greater than allowed by law or rule;
- (9) a client who, while receiving public assistance, acquires income or resources in excess of the amount the client previously reported to the state agency administering the public assistance, and fails to notify the state agency to which the client previously reported within 10 days after acquiring the excess income or resources;
- (10) a person who fails to act as required under Section 76-8-1203 or 76-8-1204 with intent to obtain or help another obtain an "overpayment" as defined in Section 35A-3-102; and
- (11) a person who obtains an overpayment by violation of Section 76-8-1203 or 76-8-1204.

Amended by Chapter 221, 2015 General Session