

SUBSTANCE ABUSE TREATMENT FRAUD

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Eric K. Hutchings

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions in the Insurance Code, the Utah Criminal Code, and the Utah Human Services Code related to substance abuse treatment fraud.

Highlighted Provisions:

This bill:

▶ enacts provisions to provide that a person commits a fraudulent insurance act if that person, with intent to deceive or defraud, pays or sponsors payment for a health insurance premium in order to directly or indirectly receive proceeds from the care or treatment of the insured;

▶ requires the Office of Licensing, Department of Human Services, to make rules establishing:

- what constitutes an "outpatient treatment program";
- a procedure requiring a licensee to allow an insurer the ability to audit the licensee's records related to any services or supplies billed to the insurer; and
- a protocol for the office to investigate and process complaints about licensees;

▶ directs the Office of Licensing, Department of Human Services, to electronically post notices of agency action on the office's website; and

▶ directs the Division of Substance Abuse and Mental Health, Department of Human Services, to make rules to develop minimum standards for licensed public and private providers of substance abuse and mental health programs.



28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **31A-31-103**, as last amended by Laws of Utah 2004, Chapter 104

35 **62A-2-106**, as last amended by Laws of Utah 2013, Chapter 442

36 **62A-15-103**, as last amended by Laws of Utah 2015, Chapter 412

37 **76-6-521**, as last amended by Laws of Utah 2004, Chapter 104



39 *Be it enacted by the Legislature of the state of Utah:*

40 Section 1. Section **31A-31-103** is amended to read:

41 **31A-31-103. Fraudulent insurance act.**

42 (1) A person commits a fraudulent insurance act if that person with intent to deceive or
43 defraud:

44 (a) knowingly presents or causes to be presented to an insurer any oral or written
45 statement or representation knowing that the statement or representation contains false,
46 incomplete, or misleading information concerning any fact material to an application for the
47 issuance or renewal of an insurance policy, certificate, or contract;

48 (b) knowingly presents or causes to be presented to an insurer any oral or written
49 statement or representation:

50 (i) (A) as part of, or in support of, a claim for payment or other benefit pursuant to an
51 insurance policy, certificate, or contract; or

52 (B) in connection with any civil claim asserted for recovery of damages for personal or
53 bodily injuries or property damage; and

54 (ii) knowing that the statement or representation contains false, incomplete, or
55 misleading information concerning any fact or thing material to the claim;

56 (c) knowingly accepts a benefit from the proceeds derived from a fraudulent insurance
57 act;

58 (d) assists, abets, solicits, or conspires with another to commit a fraudulent insurance

59 act;

60 (e) knowingly supplies false or fraudulent material information in any document or
61 statement required by the department;

62 (f) knowingly fails to forward a premium to an insurer in violation of Section
63 [31A-23a-411.1](#); [~~or~~]

64 (g) knowingly employs, uses, or acts as a runner for the purpose of committing a
65 fraudulent insurance act~~[-];~~ or

66 (h) pays or sponsors payment for a health insurance premium in order to directly or
67 indirectly receive proceeds from the care or treatment of the insured.

68 (2) A service provider commits a fraudulent insurance act if that service provider with
69 intent to deceive or defraud:

70 (a) knowingly submits or causes to be submitted a bill or request for payment:

71 (i) containing charges or costs for an item or service that are substantially in excess of
72 customary charges or costs for the item or service; or

73 (ii) containing itemized or delineated fees for what would customarily be considered a
74 single procedure or service;

75 (b) knowingly furnishes or causes to be furnished an item or service to a person:

76 (i) substantially in excess of the needs of the person; or

77 (ii) of a quality that fails to meet professionally recognized standards;

78 (c) knowingly accepts a benefit from the proceeds derived from a fraudulent insurance
79 act; or

80 (d) assists, abets, solicits, or conspires with another to commit a fraudulent insurance
81 act.

82 (3) An insurer commits a fraudulent insurance act if that insurer with intent to deceive
83 or defraud:

84 (a) knowingly withholds information or provides false or misleading information with
85 respect to an application, coverage, benefits, or claims under a policy or certificate;

86 (b) assists, abets, solicits, or conspires with another to commit a fraudulent insurance
87 act;

88 (c) knowingly accepts a benefit from the proceeds derived from a fraudulent insurance
89 act; or

90 (d) knowingly supplies false or fraudulent material information in any document or
91 statement required by the department.

92 (4) An insurer or service provider is not liable for any fraudulent insurance act
93 committed by an employee without the authority of the insurer or service provider unless the
94 insurer or service provider knew or should have known of the fraudulent insurance act.

95 Section 2. Section **62A-2-106** is amended to read:

96 **62A-2-106. Office responsibilities.**

97 (1) Subject to the requirements of federal and state law, the office shall:

98 (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
99 Rulemaking Act, to establish:

100 (i) except as provided in Subsection (1)(a)(ii), basic health and safety standards for
101 licensees, that shall be limited to:

102 (A) fire safety;

103 (B) food safety;

104 (C) sanitation;

105 (D) infectious disease control;

106 (E) safety of the:

107 (I) physical facility and grounds; and

108 (II) area and community surrounding the physical facility;

109 (F) transportation safety;

110 (G) emergency preparedness and response;

111 (H) the administration of medical standards and procedures, consistent with the related
112 provisions of this title;

113 (I) staff and client safety and protection;

114 (J) the administration and maintenance of client and service records;

115 (K) staff qualifications and training, including standards for permitting experience to
116 be substituted for education, unless prohibited by law;

117 (L) staff to client ratios; and

118 (M) access to firearms;

119 (ii) basic health and safety standards for therapeutic schools, that shall be limited to:

120 (A) fire safety, except that the standards are limited to those required by law or rule

121 under Title 53, Chapter 7, Part 2, Fire Prevention and Fireworks Act;

122 (B) food safety;

123 (C) sanitation;

124 (D) infectious disease control, except that the standards are limited to:

125 (I) those required by law or rule under Title 26, Utah Health Code or Title 26A, Local

126 Health Authorities; and

127 (II) requiring a separate room for clients who are sick;

128 (E) safety of the physical facility and grounds, except that the standards are limited to

129 those required by law or rule under Title 53, Chapter 7, Part 2, Fire Prevention and Fireworks

130 Act;

131 (F) transportation safety;

132 (G) emergency preparedness and response;

133 (H) access to appropriate medical care, including:

134 (I) subject to the requirements of law, designation of a person who is authorized to

135 dispense medication; and

136 (II) storing, tracking, and securing medication;

137 (I) staff and client safety and protection that permits the school to provide for the direct

138 supervision of clients at all times;

139 (J) the administration and maintenance of client and service records;

140 (K) staff qualifications and training, including standards for permitting experience to

141 be substituted for education, unless prohibited by law;

142 (L) staff to client ratios; and

143 (M) access to firearms;

144 (iii) procedures and standards for permitting a licensee to:

145 (A) provide in the same facility and under the same conditions as children, residential

146 treatment services to a person 18 years old or older who:

147 (I) begins to reside at the licensee's residential treatment facility before the person's

148 18th birthday;

149 (II) has resided at the licensee's residential treatment facility continuously since the

150 time described in Subsection (1)(a)(iii)(A)(I);

151 (III) has not completed the course of treatment for which the person began residing at

152 the licensee's residential treatment facility; and
153 (IV) voluntarily consents to complete the course of treatment described in Subsection
154 (1)(a)(iii)(A)(III); or
155 (B) (I) provide residential treatment services to a child who is:
156 (Aa) 12 years old or older; and
157 (Bb) under the custody of the Division of Juvenile Justice Services; and
158 (II) provide, in the same facility as a child described in Subsection (1)(a)(iii)(B)(I),
159 residential treatment services to a person who is:
160 (Aa) at least 18 years old, but younger than 21 years old; and
161 (Bb) under the custody of the Division of Juvenile Justice Services;
162 (iv) minimum administration and financial requirements for licensees;
163 (v) guidelines for variances from rules established under this Subsection (1); ~~and~~
164 (vi) minimum ethical responsibilities of an adoption agency licensed under this
165 chapter, including prohibiting an adoption agency or its employee from misrepresenting facts
166 or information;
167 (vii) what constitutes an "outpatient treatment program" for purposes of this chapter;
168 (viii) a procedure requiring a licensee to allow an insurer the ability to audit the
169 licensee's records related to any services or supplies billed to the insurer and a procedure
170 allowing the licensee and the insurer to contact the Insurance Department to resolve any
171 disputes;
172 (ix) a protocol for the office to investigate and process complaints about licensees; and
173 (x) a procedure for licensees to report incidents;
174 (b) enforce rules relating to the office;
175 (c) issue licenses in accordance with this chapter;
176 (d) if the United States Department of State executes an agreement with the office that
177 designates the office to act as an accrediting entity in accordance with the Intercountry
178 Adoption Act of 2000, Pub. L. No. 106-279, accredit one or more agencies and persons to
179 provide intercountry adoption services pursuant to:
180 (i) the Intercountry Adoption Act of 2000, Pub. L. No. 106-279; and
181 (ii) the implementing regulations for the Intercountry Adoption Act of 2000, Pub. L.
182 No. 106-279;

- 183 (e) make rules to implement the provisions of Subsection (1)(d);
- 184 (f) conduct surveys and inspections of licensees and facilities in accordance with
- 185 Section [62A-2-118](#);
- 186 (g) collect licensure fees;
- 187 (h) notify licensees of the name of a person within the department to contact when
- 188 filing a complaint;
- 189 (i) investigate complaints regarding any licensee or human services program;
- 190 (j) have access to all records, correspondence, and financial data required to be
- 191 maintained by a licensee;
- 192 (k) have authority to interview any client, family member of a client, employee, or
- 193 officer of a licensee; ~~and~~
- 194 (l) have authority to deny, condition, revoke, suspend, or extend any license issued by
- 195 the department under this chapter by following the procedures and requirements of Title 63G,
- 196 Chapter 4, Administrative Procedures Act[-]; and
- 197 (m) electronically post notices of agency action issued to a human services program,
- 198 with the exception of a foster home, on the office's website, in accordance with Title 63G,
- 199 Chapter 2, Government Records Access and Management Act.
- 200 (2) In establishing rules under Subsection (1)(a)(ii)(G), the office shall require a
- 201 licensee to establish and comply with an emergency response plan that requires clients and staff
- 202 to:
- 203 (a) immediately report to law enforcement any significant criminal activity, as defined
- 204 by rule, committed:
- 205 (i) on the premises where the licensee operates its human services program;
- 206 (ii) by or against its clients; or
- 207 (iii) by or against a staff member while the staff member is on duty;
- 208 (b) immediately report to emergency medical services any medical emergency, as
- 209 defined by rule:
- 210 (i) on the premises where the licensee operates its human services program;
- 211 (ii) involving its clients; or
- 212 (iii) involving a staff member while the staff member is on duty; and
- 213 (c) immediately report other emergencies that occur on the premises where the licensee

214 operates its human services program to the appropriate emergency services agency.

215 Section 3. Section **62A-15-103** is amended to read:

216 **62A-15-103. Division -- Creation -- Responsibilities.**

217 (1) There is created the Division of Substance Abuse and Mental Health within the
218 department, under the administration and general supervision of the executive director. The
219 division is the substance abuse authority and the mental health authority for this state.

220 (2) The division shall:

221 (a) (i) educate the general public regarding the nature and consequences of substance
222 abuse by promoting school and community-based prevention programs;

223 (ii) render support and assistance to public schools through approved school-based
224 substance abuse education programs aimed at prevention of substance abuse;

225 (iii) promote or establish programs for the prevention of substance abuse within the
226 community setting through community-based prevention programs;

227 (iv) cooperate with and assist treatment centers, recovery residences, and other
228 organizations that provide services to individuals recovering from a substance abuse disorder,
229 by identifying and disseminating information about effective practices and programs;

230 (v) promulgate rules in accordance with Title 63G, Chapter 3, Utah Administrative
231 Rulemaking Act, to develop, in collaboration with public and private programs, minimum
232 standards for public and private providers of substance abuse and mental health programs
233 licensed by the Department of Human Services under Title 62A, Chapter 2, Licensure of
234 Programs and Facilities;

235 [~~(v)~~] (vi) promote integrated programs that address an individual's substance abuse,
236 mental health, physical health, and criminal risk factors;

237 [~~(vi)~~] (vii) establish and promote an evidence-based continuum of screening,
238 assessment, prevention, treatment, and recovery support services in the community for
239 individuals with substance abuse and mental illness that addresses criminal risk factors;

240 [~~(vii)~~] (viii) evaluate the effectiveness of programs described in Subsection (2);

241 [~~(viii)~~] (ix) consider the impact of the programs described in Subsection (2) on:

242 (A) emergency department utilization;

243 (B) jail and prison populations;

244 (C) the homeless population; and

- 245 (D) the child welfare system; and
- 246 [~~(ix)~~] (x) promote or establish programs for education and certification of instructors to
- 247 educate persons convicted of driving under the influence of alcohol or drugs or driving with
- 248 any measurable controlled substance in the body;
- 249 (b) (i) collect and disseminate information pertaining to mental health;
- 250 (ii) provide direction over the state hospital including approval of its budget,
- 251 administrative policy, and coordination of services with local service plans;
- 252 (iii) promulgate rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 253 Rulemaking Act, to educate families concerning mental illness and promote family
- 254 involvement, when appropriate, and with patient consent, in the treatment program of a family
- 255 member; and
- 256 (iv) promulgate rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 257 Rulemaking Act, to direct that all individuals receiving services through local mental health
- 258 authorities or the Utah State Hospital be informed about and, if desired, provided assistance in
- 259 completion of a declaration for mental health treatment in accordance with Section
- 260 [62A-15-1002](#);
- 261 (c) (i) consult and coordinate with local substance abuse authorities and local mental
- 262 health authorities regarding programs and services;
- 263 (ii) provide consultation and other assistance to public and private agencies and groups
- 264 working on substance abuse and mental health issues;
- 265 (iii) promote and establish cooperative relationships with courts, hospitals, clinics,
- 266 medical and social agencies, public health authorities, law enforcement agencies, education and
- 267 research organizations, and other related groups;
- 268 (iv) promote or conduct research on substance abuse and mental health issues, and
- 269 submit to the governor and the Legislature recommendations for changes in policy and
- 270 legislation;
- 271 (v) receive, distribute, and provide direction over public funds for substance abuse and
- 272 mental health services;
- 273 (vi) monitor and evaluate programs provided by local substance abuse authorities and
- 274 local mental health authorities;
- 275 (vii) examine expenditures of any local, state, and federal funds;

276 (viii) monitor the expenditure of public funds by:
277 (A) local substance abuse authorities;
278 (B) local mental health authorities; and
279 (C) in counties where they exist, the private contract provider that has an annual or
280 otherwise ongoing contract to provide comprehensive substance abuse or mental health
281 programs or services for the local substance abuse authority or local mental health authorities;
282 (ix) contract with local substance abuse authorities and local mental health authorities
283 to provide a comprehensive continuum of services that include community-based services for
284 individuals involved in the criminal justice system, in accordance with division policy, contract
285 provisions, and the local plan;
286 (x) contract with private and public entities for special statewide or nonclinical
287 services, or services for individuals involved in the criminal justice system, according to
288 division rules;
289 (xi) review and approve each local substance abuse authority's plan and each local
290 mental health authority's plan in order to ensure:
291 (A) a statewide comprehensive continuum of substance abuse services;
292 (B) a statewide comprehensive continuum of mental health services;
293 (C) services result in improved overall health and functioning;
294 (D) a statewide comprehensive continuum of community-based services designed to
295 reduce criminal risk factors for individuals who are determined to have substance abuse or
296 mental illness conditions or both, and who are involved in the criminal justice system;
297 (E) compliance, where appropriate, with the certification requirements in Subsection
298 (2)(i); and
299 (F) appropriate expenditure of public funds;
300 (xii) review and make recommendations regarding each local substance abuse
301 authority's contract with its provider of substance abuse programs and services and each local
302 mental health authority's contract with its provider of mental health programs and services to
303 ensure compliance with state and federal law and policy;
304 (xiii) monitor and ensure compliance with division rules and contract requirements;
305 and
306 (xiv) withhold funds from local substance abuse authorities, local mental health

307 authorities, and public and private providers for contract noncompliance, failure to comply
308 with division directives regarding the use of public funds, or for misuse of public funds or
309 money;

310 (d) assure that the requirements of this part are met and applied uniformly by local
311 substance abuse authorities and local mental health authorities across the state;

312 (e) require each local substance abuse authority and each local mental health authority
313 to submit its plan to the division by May 1 of each year;

314 (f) conduct an annual program audit and review of each local substance abuse authority
315 in the state and its contract provider and each local mental health authority in the state and its
316 contract provider, including:

317 (i) a review and determination regarding whether:

318 (A) public funds allocated to local substance abuse authorities and local mental health
319 authorities are consistent with services rendered and outcomes reported by them or their
320 contract providers; and

321 (B) each local substance abuse authority and each local mental health authority is
322 exercising sufficient oversight and control over public funds allocated for substance abuse and
323 mental health programs and services; and

324 (ii) items determined by the division to be necessary and appropriate; and

325 (g) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4,
326 Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account Act;

327 (h) establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative
328 Rulemaking Act, minimum standards and requirements for the provision of substance abuse
329 and mental health treatment to individuals who are required to participate in treatment by the
330 court or the Board of Pardons and Parole, or who are incarcerated, including:

331 (i) collaboration with the Department of Corrections, the Utah Substance Abuse
332 Advisory Council to develop and coordinate the standards, including standards for county and
333 state programs serving individuals convicted of class A and class B misdemeanors;

334 (ii) determining that the standards ensure available treatment includes the most current
335 practices and procedures demonstrated by recognized scientific research to reduce recidivism,
336 including focus on the individual's criminal risk factors; and

337 (iii) requiring that all public and private treatment programs meet the standards

338 established under this Subsection (2)(h) in order to receive public funds allocated to the
339 division, the Department of Corrections, or the Commission on Criminal and Juvenile Justice
340 for the costs of providing screening, assessment, prevention, treatment, and recovery support;

341 (i) establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative
342 Rulemaking Act, the requirements and procedures for the certification of licensed public and
343 private providers who provide, as part of their practice, substance abuse and mental health
344 treatment to individuals involved in the criminal justice system, including:

345 (i) collaboration with the Department of Corrections, the Utah Substance Abuse
346 Advisory Council, and the Utah Association of Counties to develop, coordinate, and implement
347 the certification process;

348 (ii) basing the certification process on the standards developed under Subsection (2)(h)
349 for the treatment of individuals involved in the criminal justice system; and

350 (iii) the requirement that all public and private providers of treatment to individuals
351 involved in the criminal justice system shall obtain certification on or before July 1, 2016, and
352 shall renew the certification every two years, in order to qualify for funds allocated to the
353 division, the Department of Corrections, or the Commission on Criminal and Juvenile Justice
354 on or after July 1, 2016;

355 (j) [~~collaboration~~] collaborate with the Commission on Criminal and Juvenile Justice
356 to analyze and provide recommendations to the Legislature regarding:

357 (i) pretrial services and the resources needed for the reduced recidivism efforts;

358 (ii) county jail and county behavioral health early-assessment resources needed for
359 offenders convicted of a class A or class B misdemeanor; and

360 (iii) the replacement of federal dollars associated with drug interdiction law
361 enforcement task forces that are reduced;

362 (k) (i) establish performance goals and outcome measurements for all treatment
363 programs for which minimum standards are established under Subsection (2)(h), including
364 recidivism data and data regarding cost savings associated with recidivism reduction and the
365 reduction in the number of inmates, that are obtained in collaboration with the Administrative
366 Office of the Courts and the Department of Corrections; and

367 (ii) collect data to track and determine whether the goals and measurements are being
368 attained and make this information available to the public;

369 (l) in its discretion, use the data to make decisions regarding the use of funds allocated
370 to the division, the Administrative Office of the Courts, and the Department of Corrections to
371 provide treatment for which standards are established under Subsection (2)(h); and

372 (m) annually, on or before August 31, submit the data collected under Subsection (2)(j)
373 to the Commission on Criminal and Juvenile Justice, which shall compile a report of findings
374 based on the data and provide the report to the legislative Judiciary Interim Committee, the
375 Health and Human Services Interim Committee, the Law Enforcement and Criminal Justice
376 Interim Committee, and the related appropriations subcommittees.

377 (3) (a) The division may refuse to contract with and may pursue its legal remedies
378 against any local substance abuse authority or local mental health authority that fails, or has
379 failed, to expend public funds in accordance with state law, division policy, contract
380 provisions, or directives issued in accordance with state law.

381 (b) The division may withhold funds from a local substance abuse authority or local
382 mental health authority if the authority's contract with its provider of substance abuse or mental
383 health programs or services fails to comply with state and federal law or policy.

384 (4) Before reissuing or renewing a contract with any local substance abuse authority or
385 local mental health authority, the division shall review and determine whether the local
386 substance abuse authority or local mental health authority is complying with its oversight and
387 management responsibilities described in Sections 17-43-201, 17-43-203, 17-43-303, and
388 17-43-309. Nothing in this Subsection (4) may be used as a defense to the responsibility and
389 liability described in Section 17-43-303 and to the responsibility and liability described in
390 Section 17-43-203.

391 (5) In carrying out its duties and responsibilities, the division may not duplicate
392 treatment or educational facilities that exist in other divisions or departments of the state, but
393 shall work in conjunction with those divisions and departments in rendering the treatment or
394 educational services that those divisions and departments are competent and able to provide.

395 (6) The division may accept in the name of and on behalf of the state donations, gifts,
396 devises, or bequests of real or personal property or services to be used as specified by the
397 donor.

398 (7) The division shall annually review with each local substance abuse authority and
399 each local mental health authority the authority's statutory and contract responsibilities

400 regarding:

401 (a) the use of public funds;

402 (b) oversight responsibilities regarding public funds; and

403 (c) governance of substance abuse and mental health programs and services.

404 (8) The Legislature may refuse to appropriate funds to the division upon the division's
405 failure to comply with the provisions of this part.

406 (9) If a local substance abuse authority contacts the division under Subsection
407 17-43-201(9) for assistance in providing treatment services to a pregnant woman or pregnant
408 minor, the division shall:

409 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the
410 capacity to provide the treatment services; or

411 (b) otherwise ensure that treatment services are made available to the pregnant woman
412 or pregnant minor.

413 Section 4. Section **76-6-521** is amended to read:

414 **76-6-521. Fraudulent insurance act.**

415 (1) A person commits a fraudulent insurance act if that person with intent to defraud:

416 (a) presents or causes to be presented any oral or written statement or representation
417 knowing that the statement or representation contains false or fraudulent information
418 concerning any fact material to an application for the issuance or renewal of an insurance
419 policy, certificate, or contract;

420 (b) presents, or causes to be presented, any oral or written statement or representation:

421 (i) (A) as part of or in support of a claim for payment or other benefit pursuant to an
422 insurance policy, certificate, or contract; or

423 (B) in connection with any civil claim asserted for recovery of damages for personal or
424 bodily injuries or property damage; and

425 (ii) knowing that the statement or representation contains false or fraudulent
426 information concerning any fact or thing material to the claim;

427 (c) knowingly accepts a benefit from proceeds derived from a fraudulent insurance act;

428 (d) intentionally, knowingly, or recklessly devises a scheme or artifice to obtain fees
429 for professional services, or anything of value by means of false or fraudulent pretenses,

430 representations, promises, or material omissions;

431 (e) knowingly employs, uses, or acts as a runner, as defined in Section 31A-31-102, for
432 the purpose of committing a fraudulent insurance act;

433 (f) knowingly assists, abets, solicits, or conspires with another to commit a fraudulent
434 insurance act; [or]

435 (g) knowingly supplies false or fraudulent material information in any document or
436 statement required by the Department of Insurance[-]; or

437 (h) pays or sponsors payment for a health insurance premium in order to directly or
438 indirectly receive proceeds from the care or treatment of the insured.

439 (2) (a) A violation of Subsection (1)(a) is a class B misdemeanor.

440 (b) A violation of Subsections (1)(b) through (1)(g) is punishable as in the manner
441 prescribed by Section 76-10-1801 for communication fraud for property of like value.

442 (3) A corporation or association is guilty of the offense of insurance fraud under the
443 same conditions as those set forth in Section 76-2-204.

444 (4) The determination of the degree of any offense under Subsections (1)(b) through
445 (1)(g) shall be measured by the total value of all property, money, or other things obtained or
446 sought to be obtained by the fraudulent insurance act or acts described in Subsections (1)(b)
447 through (1)(g).

Legislative Review Note
Office of Legislative Research and General Counsel