

1                                   **UTAH FALSE CLAIMS ACT AMENDMENTS**

2                                   2023 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Todd D. Weiler**

5                                   House Sponsor: Nelson T. Abbott

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7 **LONG TITLE**

8 **General Description:**

9                   This bill amends provisions of the Utah False Claims Act.

10 **Highlighted Provisions:**

11                   This bill:

12                   ▶ amends the definition of a medical benefit to include payments made to any licensed  
13 health care provider.

14 **Money Appropriated in this Bill:**

15                   None

16 **Other Special Clauses:**

17                   None

18 **Utah Code Sections Affected:**

19 AMENDS:

20                   **26-20-2**, as last amended by Laws of Utah 2007, Chapter 48

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

23                   Section 1. Section **26-20-2** is amended to read:

24                   **26-20-2. Definitions.**

25                   As used in this chapter:

26                   (1) "Benefit" means the receipt of money, goods, or any other thing of pecuniary value.

27                   (2) "Claim" means any request or demand for money or property:

28                   (a) made to any:

29                   (i) employee, officer, or agent of the state;

- 30 (ii) contractor with the state; or
- 31 (iii) grantee or other recipient, whether or not under contract with the state; and
- 32 (b) if:
- 33 (i) any portion of the money or property requested or demanded was issued from or
- 34 provided by the state; or
- 35 (ii) the state will reimburse the contractor, grantee, or other recipient for any portion of
- 36 the money or property.
- 37 (3) "False statement" or "false representation" means a wholly or partially untrue
- 38 statement or representation which is:
- 39 (a) knowingly made; and
- 40 (b) a material fact with respect to the claim.
- 41 (4) "Health care provider" means the same as that term is defined in [Section 26-1-37](#).
- 42 ~~[(4)]~~ (5) "Knowing" and "knowingly":
- 43 (a) for purposes of criminal prosecutions for violations of this chapter, is one of the
- 44 culpable mental states described in Subsection [26-20-9\(1\)](#); and
- 45 (b) for purposes of civil prosecutions for violations of this chapter, is the required
- 46 culpable mental state as defined in Subsection [26-20-9.5\(1\)](#).
- 47 ~~[(5)]~~ (6) "Medical benefit" means a benefit paid or payable to:
- 48 (a) a health care provider; or
- 49 (b) a recipient or a provider under a program administered by the state under:
- 50 ~~[(a)]~~ (i) Titles V and XIX of the federal Social Security Act;
- 51 ~~[(b)]~~ (ii) Title X of the federal Public Health Services Act;
- 52 ~~[(c)]~~ (iii) the federal Child Nutrition Act of 1966 as amended by P.L. 94-105; and
- 53 ~~[(d)]~~ (iv) any programs for medical assistance of the state.
- 54 ~~[(6)]~~ (7) "Person" means an individual, corporation, unincorporated association,
- 55 professional corporation, partnership, or other form of business association.