

115TH CONGRESS  
1ST SESSION

# H. R. 3245

To amend title XI of the Social Security Act to increase civil money penalties and criminal fines for Federal health care program fraud and abuse, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2017

Mr. BILIRAKIS (for himself and Ms. CASTOR of Florida) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title XI of the Social Security Act to increase civil money penalties and criminal fines for Federal health care program fraud and abuse, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medicare Civil and  
5 Criminal Penalties Update Act”.

1 **SEC. 2. INCREASED CIVIL AND CRIMINAL PENALTIES AND**  
2 **INCREASED SENTENCES FOR FEDERAL**  
3 **HEALTH CARE PROGRAM FRAUD AND ABUSE.**

4 (a) INCREASED CIVIL MONEY PENALTIES AND  
5 CRIMINAL FINES.—

6 (1) INCREASED CIVIL MONEY PENALTIES.—Sec-  
7 tion 1128A of the Social Security Act (42 U.S.C.  
8 1320a-7a) is amended—

9 (A) in subsection (a), in the matter fol-  
10 lowing paragraph (10)—

11 (i) by striking “\$10,000” and insert-  
12 ing “\$20,000” each place it appears;

13 (ii) by striking “\$15,000” and insert-  
14 ing “\$30,000”; and

15 (iii) by striking “\$50,000” and insert-  
16 ing “\$100,000” each place it appears; and

17 (B) in subsection (b)—

18 (i) in paragraph (1), in the flush text  
19 following subparagraph (B), by striking  
20 “\$2,000” and inserting “\$5,000”;

21 (ii) in paragraph (2), by striking  
22 “\$2,000” and inserting “\$5,000”; and

23 (iii) in paragraph (3)(A)(i), by strik-  
24 ing “\$5,000” and inserting “\$10,000”.

1           (2) INCREASED CRIMINAL FINES.—Section  
2 1128B of such Act (42 U.S.C. 1320a–7b) is amend-  
3 ed—

4           (A) in subsection (a), in the matter fol-  
5 lowing paragraph (6)—

6           (i) by striking “\$25,000” and insert-  
7 ing “\$100,000”; and

8           (ii) by striking “\$10,000” and insert-  
9 ing “\$20,000”;

10          (B) in subsection (b)—

11          (i) in paragraph (1), in the flush text  
12 following subparagraph (B), by striking  
13 “\$25,000” and inserting “\$100,000”; and

14          (ii) in paragraph (2), in the flush text  
15 following subparagraph (B), by striking  
16 “\$25,000” and inserting “\$100,000”;

17          (C) in subsection (c), by striking  
18 “\$25,000” and inserting “\$100,000”;

19          (D) in subsection (d), in the flush text fol-  
20 lowing paragraph (2), by striking “\$25,000”  
21 and inserting “\$100,000”; and

22          (E) in subsection (e), by striking “\$2,000”  
23 and inserting “\$4,000”.

1 (b) INCREASED SENTENCES FOR FELONIES INVOLV-  
2 ING FEDERAL HEALTH CARE PROGRAM FRAUD AND  
3 ABUSE.—

4 (1) FALSE STATEMENTS AND REPRESENTA-  
5 TIONS.—Section 1128B(a) of the Social Security Act  
6 (42 U.S.C. 1320a–7b(a)) is amended, in the matter  
7 following paragraph (6), by striking “not more than  
8 five years or both, or (ii)” and inserting “not more  
9 than 10 years or both, or (ii)”.

10 (2) ANTIKICKBACK.—Section 1128B(b) of such  
11 Act (42 U.S.C. 1320a–7b(b)) is amended—

12 (A) in paragraph (1), in the flush text fol-  
13 lowing subparagraph (B), by striking “not more  
14 than five years” and inserting “not more than  
15 10 years”; and

16 (B) in paragraph (2), in the flush text fol-  
17 lowing subparagraph (B), by striking “not more  
18 than five years” and inserting “not more than  
19 10 years”.

20 (3) FALSE STATEMENT OR REPRESENTATION  
21 WITH RESPECT TO CONDITIONS OR OPERATIONS OF  
22 FACILITIES.—Section 1128B(c) of such Act (42  
23 U.S.C. 1320a–7b(c)) is amended by striking “not  
24 more than five years” and inserting “not more than  
25 10 years”.

1           (4) EXCESS CHARGES.—Section 1128B(d) of  
2           such Act (42 U.S.C. 1320a–7b(d)) is amended, in  
3           the flush text following paragraph (2), by striking  
4           “not more than five years” and inserting “not more  
5           than 10 years”.

6           (c) EFFECTIVE DATE.—The amendments made by  
7           this section shall apply to acts committed after the date  
8           of the enactment of this Act.

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