



House Bill No. 6826

Public Act No. 23-129

AN ACT CONCERNING LIABILITY FOR FALSE AND FRAUDULENT CLAIMS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 4-274 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

As used in this section and section 4-275, as amended by this act:

(1) "Knowing" and "knowingly" means that a person, with respect to information: (A) Has actual knowledge of the information; (B) acts in deliberate ignorance of the truth or falsity of the information; or (C) acts in reckless disregard of the truth or falsity of the information, without regard to whether the person intends to defraud;

(2) "Claim" (A) means any request or demand, whether under a contract or otherwise, for money or property and whether or not the state has title to the money or property, that (i) is presented to an officer, employee or agent of the state, or (ii) is made to a contractor, grantee or other recipient, if the money or property is to be spent or used on the state's behalf or to advance a state program or interest, and if the state provides or has provided any portion of the money or property that is requested or demanded, or if the state will reimburse such contractor, grantee or other recipient for any portion of the money or property that

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is requested or demanded, and (B) does not include a request or demand for money or property that the state has paid to an individual as compensation for state employment or as an income subsidy with no restrictions on that individual's use of the money or property;

(3) "Person" means any natural person, corporation, limited liability company, firm, association, organization, partnership, business, trust or other legal entity;

(4) "State" means the state of Connecticut, any agency or department of the state or any quasi-public agency, as defined in section 1-120;

(5) "Obligation" means an established duty, whether fixed or not, arising from (A) an express or implied contractual, grantor-grantee or licensor-licensee relationship, (B) a fee-based or similar relationship, (C) statute or regulation, or (D) the retention of an overpayment; and

(6) "Material" means having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property. [; and

(7) "State-administered health or human services program" means programs administered by any of the following: The Department of Children and Families, the Department of Developmental Services, the Department of Mental Health and Addiction Services, the Department of Public Health, the Department of Aging and Disability Services, the Department of Social Services, the Office of Early Childhood, and the Office of the State Comptroller, for the State Employee and Retiree Health programs, as well as other health care programs administered by the Office of the State Comptroller, and the Department of Administrative Services, for Workers' Compensation medical claims, including such programs reimbursed in whole or in part by the federal government.]

Sec. 2. Section 4-275 of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective July 1, 2023*):

(a) No person shall:

(1) Knowingly present, or cause to be presented, a false or fraudulent claim for payment or approval; [under a state-administered health or human services program;]

(2) Knowingly make, use or cause to be made or used, a false record or statement material to a false or fraudulent claim; [under a state-administered health or human services program;]

(3) Conspire to commit a violation of this section;

(4) Having possession, custody or control of property or money used, or to be used, by the state, [relative to a state-administered health or human services program,] knowingly deliver, or cause to be delivered, less property than the amount for which the person receives a certificate or receipt;

(5) Being authorized to make or deliver a document certifying receipt of property used, or to be used, by the state [relative to a state-administered health or human services program] and intending to defraud the state, make or deliver such document without completely knowing that the information on the document is true;

(6) Knowingly buy, or receive as a pledge of an obligation or debt, public property from an officer or employee of the state [relative to a state-administered health or human services program, who lawfully] who may not lawfully sell or pledge the property;

(7) Knowingly make, use or cause to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the state; [under a state-administered health or human services program;] or

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(8) Knowingly conceal or knowingly and improperly avoid or decrease an obligation to pay or transmit money or property to the state, [under a state-administered health or human services program.]

(b) Any person who violates the provisions of subsection (a) of this section shall be liable to the state for: (1) A civil penalty of not less than five thousand five hundred dollars or more than eleven thousand dollars, or as adjusted from time to time by the federal Civil Penalties Inflation Adjustment Act of 1990, 28 USC 2461, (2) three times the amount of damages that the state sustains because of the act of that person, and (3) the costs of [investigation and] prosecution of such violation. Liability under this section shall be joint and several for any violation of this section committed by two or more persons.

(c) Notwithstanding the provisions of subsection (b) of this section concerning treble damages, if the court finds that: (1) A person committing a violation of subsection (a) of this section furnished officials of the state responsible for investigating false claims violations with all information known to such person about the violation not later than thirty days after the date on which the person first obtained the information; (2) such person fully cooperated with an investigation by the state of such violation; and (3) at the time such person furnished the state with the information about the violation, no criminal prosecution, civil action or administrative action had commenced under sections 4-276 to 4-280, inclusive, as amended by this act, with respect to such violation, and such person did not have actual knowledge of the existence of an investigation into such violation, the court may assess not less than two times the amount of damages which the state sustains because of the act of such person. Any information furnished pursuant to this subsection shall be exempt from disclosure under section 1-210.

(d) In any civil action, arbitration or other civil proceeding in which the state is a defendant, the state shall not assert a counterclaim, set-off or defense alleging a violation of this section.

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(e) The provisions of this section shall not apply to any claim, record or statement made under any tax law administered by this state or a political subdivision of this state.

Sec. 3. Section 4-276 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

The Attorney General may, within available appropriations, investigate any violation of subsection (a) of section 4-275, as amended by this act. Any information obtained pursuant to such an investigation shall be exempt from disclosure under section 1-210. If the Attorney General finds that a person has violated or is violating any provision of subsection (a) of section 4-275, as amended by this act, the Attorney General may bring a civil action in the superior court for the judicial district of Hartford under this section in the name of the state against such person.

Approved June 26, 2023