

Kansas

Kansas State False Claims Laws

This is a supplement to The Evangelical Lutheran Good Samaritan Society's ("The Society") Employee Handbook for employees who work in Kansas. As stated in our Employee Handbook, the federal False Claims Act and similar state laws assist the federal and state governments in combating fraud and recovering losses resulting from fraud in government programs, purchases and/or contracts. These laws are some of the most important laws that govern our business. Like the federal False Claims Act, the Kansas Fraud Control Act (Kansas Statute Annotated 21-3846) imposes liability on any person who, with intent to defraud or deceive, makes, or causes to be made or assists in the preparation of any false statement, representation, or omission of a material fact in any claim or application for any payment, regardless of amount, from the Medicaid Agency, knowing the same to be false.

The Kansas Medicaid Fraud Control prohibits health care providers and their employee from making false statements or claims to the Kansas Medicaid program. Specifically, it is illegal for any health care provider to knowingly, and with intent to defraud:

1. make a false claim
2. make a false statement in filing or reports used to determine the Medicaid payment for a service
3. cause others to make a false statements or claims
4. submit a claim that is not medically necessary
5. make any false record or document to any properly identified government official in connection with an audit or investigation
6. make any false representation with the intent to influence any act or decision of the government agencies operating the Medicaid Program

Civil and Criminal Penalties for False Claims or Statements

A person who violates this law could be found guilty of a misdemeanor or a felony depending on the amount of the claim. In addition to the criminal penalties, civil penalties include liability for full restitution, interest at the maximum legal rate accruing from the date the illegal payment was made, and investigation and litigation costs and attorney's fees.

No Retaliation

Any employee who engages in or condones any form of retaliation against another employee because that employee either (1) reported a potential violation of violation of The Society's Code of Ethics or regulatory violation, or (2) refused to violate The Society's Code of Ethics or a government law or regulation, will be subject to disciplinary action up to and including separation of employment. For additional guidance, please see the "Fair Treatment Policy" section of the Employee Handbook and section IV "Reporting Compliance Concerns" of The Society's Compliance Program Handbook.

Copies of Kansas Laws

The Kansas laws summarized above include: (1 Kansas Statute Annotated 21-3846. If you have questions about any of these requirements, you may contact The Society's Compliance Solutions Hotline at 1-800-631-6142.