

DEPARTMENT OF HEALTH SERVICES

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May 2, 1996

TO: All County Welfare Directors
All County Administrative Officers
All County Medi-Cal Program Specialists/Liaisons

Letter No.: 96-21

SENATE BILL (SB) 1131 (LESLIE), CHAPTER 821, STATUTES OF 1993- CRIMES:
MEDI-CAL ELIGIBILITY

This letter is to remind counties that SB 1131 became law on January 1, 1994. This bill amended Section 653f of the California Penal Code to impose penalties ranging from misdemeanor to felony convictions on persons who intentionally solicit another to make false declarations for the purpose of obtaining Medi-Cal benefits.

Welfare and Institutions Code, Section 14014, states:

Any person receiving health care for which he was not eligible on the basis of false declarations as to his eligibility or any person making false declarations as to eligibility in behalf of any other person receiving health care for which such other person was not eligible shall be liable for repayment and shall be guilty of a misdemeanor or felony depending on the amount paid in his behalf for which he was not eligible, as specified in Section 487 of the Penal Code.

SB 1131 added the following language to Section 653f of the Penal Code:

(e) Every person who, with the intent that the crime be committed, solicits another to commit an offense specified in Section 14014 of the Welfare and Institutions Code shall be punished by imprisonment in a county jail for not exceeding six months. Every person who, having been convicted of soliciting another to commit an offense specified in this subdivision, is subsequently convicted of the proscribed solicitation, shall be punished by imprisonment in a county jail not exceeding one year, or in the state prison.

An offense of this nature must be proven by the testimony of one witness and corroborating evidence. Counties that suspect or have evidence that an authorized representative, family member, provider or other persons have intentionally solicited an applicant/beneficiary to falsify information in order to obtain Medi-Cal must refer this information to their respective Department of Health Services Investigations office via the MC 609 (**Medi-Cal Complaint Report**).

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Page 2

Any questions concerning this issue may be directed to Gary Varner of my staff at
(916) 654-5321.

Sincerely,

ORIGINAL SIGNED BY

FRANK S. MARTUCCI, CHIEF
Medi-Cal Eligibility Branch