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Senator Lesil McGuire

SB 211 — Recovery of False Claims for State Funds

Summary of Changes, Version A to Version H

All mentions of in camera have been eliminated.

The term “qui tam plaintiff” has been replaced with “private plaintiff” throughout the bill.

The act no longer applies to claims made under AS 43, “Revenue and Taxation.” **Sec. 37.10.110(b)**

Language has been added to allow SB 211 and Medicaid false claims act language currently in Senate Bill 74 to live harmoniously.

Lastly, if there is a separate Medicaid false claims act (i.e. SB 74), the standard from filing cases goes from “under seal” to confidential.

Section 37.10.110(c) has been added to prevent this act from applying to Medicaid fraud if Alaska has a separate false claims act for Medicaid. This is in response to the fact that there is currently a Medicaid false claims act in SB 74.

The requirement that the attorney general consult the Department of Health and Social Services before filing a false claims action for Medicaid fraud has been removed from section 37.10.120 due to the presence of a Medicaid false claims act in SB 74.

In section **37.10.125(e)(5)**, the attorney general is now required to notify both the private plaintiff and the court if the attorney general declines to take over a case filed by a private plaintiff. The prior version required only notifying the court.

Section 37.10.130(e), has been amended to state that a private plaintiff need only serve copies of pleadings and supply copies of deposition transcripts to the state or a municipality if the state or municipality requests the private plaintiff do so. This corrects unintended language in the prior version.

Section 37.10.135(d) has been amended to state that the court may reduce the share of the proceeds under the subsection only if the person bringing the action planned and initiated the false claims violation. This change corrects unintended language in the prior version and brings the act in line with the federal false claims acts and other state acts.

Section 37.10.140 has been amended to standardize the procedure for barring action. The prior version used different language in each subsection; the new version states that an action “shall be dismissed” if it falls into one of three categories. The new version also specifies that it only applies to actions brought by private plaintiffs, a change that brings the act in line with language in SB 74 and the federal act.

Sections 8-10, related to court rule changes, have been combined into a single section.