

AS:ty

11/15/2010

1 **AN ACT** *to repeal* 49.141 (7) (b), 49.141 (10) (b), 49.49 (3m) (b), 49.688 (9) (b) and
2 (c), 49.795 (8) (a) (intro.) and 49.95; *to renumber* 49.49 (3m) (a) 2., 49.49 (3m) (a)
3 3., 49.795 (1), 49.795 (2), (2m), (3), (4), (5), (6), and (7) and 49.795 (8) (d) 2.; *to*
4 *renumber and amend* 49.141 (7) (a), 49.141 (9) (a), 49.141 (9) (b), 49.141 (10) (a),
5 49.49 (1), 49.49 (2) (a), 49.49 (2) (b), 49.49 (3), 49.49 (3m) (a) (intro.) and 1., 49.49
6 (4), 49.795 (8) (a) 1., 49.795 (8) (a) 2., 49.795 (8) (b) (intro.) 1. and 2., 49.795 (8)
7 (c), 49.795 (8) (d) 1., 49.795 (8) (d) 1m. and 49.795 (8) (e) and (f); *to amend* 49.141
8 (7) (c) (intro.), 49.141 (8) and 49.49 (1) (c); and *to create* 49.4715 (title), 946.90
9 (title) and (1), 946.90 (2), 946.91 (title) and (1), 946.91 (5) (b), 946.92 (3) (a) (intro.)
10 and 946.93 of the statutes; **relating to:** criminal penalties for public assistance
11 violations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the Joint Legislative Council's Special Committee on Public Assistance Program Integrity.

The draft moves several provisions of ch. 49 that are offenses with criminal penalties to ch. 946 of the criminal code, relating to crimes against government and its administration.

The draft creates 4 new criminal offenses in ch. 946: Wisconsin works fraud, medical assistance fraud, food stamp fraud, and public assistance fraud.

The offense of Wisconsin works fraud includes the following provisions of current law:

- Prohibited conduct relating to the Wisconsin works program under s. 49.141 (6) and the associated criminal penalties under s. 49.141 (7). Section 49.141 (6) remains in ch. 49 under the draft, but the same conduct is prohibited under ch. 946.

- Violations relating to kickbacks, bribes, and rebates and the associated criminal penalties under s. 49.141 (9).
- Violations relating to imposing prohibited charges on Wisconsin works participants and the associated criminal penalties under s. 49.141 (10).

The offense of medical assistance fraud includes the following provisions of current law:

- Prohibited conduct relating to the medical assistance program under s. 49.49 (1) and the associated criminal penalties.
- Violations relating to kickbacks, bribes, and rebates and the associated criminal penalties under s. 49.49 (2).
- Violations relating to fraudulent certification of institutions or facilities and the associated criminal penalties under s. 49.49 (3).
- Violations relating to imposing prohibited charges on medical assistance recipients and the associated criminal penalties under s. 49.49 (3m) and (4).
- Prohibited conduct relating to the prescription drug assistance to elderly persons program under s. 49.688 (9).

The offense of food stamp fraud includes the current provisions of s. 49.795, food stamp fraud.

The offense of public assistance fraud is based on the general violations and penalties relating to public assistance contained in the current provisions of s. 49.95.

1 **SECTION 1.** 49.141 (7) (a) of the statutes is renumbered 946.90 (3) and amended to read:
2 946.90 (3) ~~A person who is convicted of violating sub. (6) in connection with the~~
3 Whoever violates sub. (2) by furnishing by ~~that person~~ of items or services for which payment
4 is or may be made under Wisconsin works is guilty of a Class H felony.

5 **SECTION 2.** 49.141 (7) (b) of the statutes is repealed.

6 **SECTION 3.** 49.141 (7) (c) (intro.) of the statutes is amended to read:

7 49.141 (7) (c) (intro.) Except as provided in par. (d), in addition to the penalties
8 applicable under ~~par. (a) or (b) s. 946.90 (2) or (3),~~ a person shall be suspended from

1 participating in Wisconsin works for a period of 10 years, beginning on the date of conviction,
2 if the person is convicted in a federal or state court for any of the following:

3 **SECTION 4.** 49.141 (8) of the statutes is amended to read:

4 49.141 (8) DAMAGES. If a person is convicted under sub. (6) s. 946.90 (2) or (3), the
5 state has a cause of action for relief against the person in an amount equal to 3 times the amount
6 of actual damages sustained as a result of any excess payments made in connection with the
7 offense for which the conviction was obtained. Proof by the state of a conviction under sub.
8 (6) is conclusive proof in a civil action of the state's right to damages and the only issue in
9 controversy shall be the amount, if any, of the actual damages sustained. Actual damages
10 consist of the total amount of excess payments, any part of which is paid with state funds. In
11 a civil action under this subsection, the state may elect to file a motion in expedition of the
12 action. Upon receipt of the motion, the presiding judge shall expedite the action.

13 **SECTION 5.** 49.141 (9) (a) of the statutes is renumbered 946.90 (4) and amended to read:

14 946.90 (4) Whoever solicits or receives ~~any remuneration in cash or in-kind~~ money,
15 goods, services, or any other thing of value, in return for referring an individual to a person
16 for the furnishing or arranging for the furnishing of any item or service for which payment may
17 be made in whole or in part under Wisconsin works, or in return for purchasing, leasing,
18 ordering, or arranging for or recommending purchasing, leasing, or ordering any good,
19 facility, service, or item for which payment may be made in whole or in part under Wisconsin
20 works, is guilty of a Class H felony, except that, notwithstanding the maximum fine specified
21 in s. 939.50 (3) (h), the person may be fined not more than \$25,000.

22 **SECTION 6.** 49.141 (9) (b) of the statutes is renumbered 946.90 (5) and amended to read:

23 946.90 (5) Whoever offers or pays ~~any remuneration in cash or in-kind~~ money, goods,
24 services, or any other thing of value to any person to induce the person to refer an individual

1 to a person for the furnishing or arranging for the furnishing of any item or service for which
2 payment may be made in whole or in part under Wisconsin works, or to purchase, lease, order,
3 or arrange for or recommend purchasing, leasing, or ordering any good, facility, service or
4 item for which payment may be made in whole or in part under any provision of Wisconsin
5 works, is guilty of a Class H felony, except that, notwithstanding the maximum fine specified
6 in s. 939.50 (3) (h), the person may be fined not more than \$25,000.

7 **SECTION 7.** 49.141 (10) (a) of the statutes is renumbered 946.90 (6) and amended to
8 read:

9 946.90 (6) A provider ~~may not who~~ knowingly ~~impose~~ imposes upon a recipient
10 Wisconsin works participant charges in addition to payments received for services under
11 Wisconsin works or knowingly ~~impose~~ imposes direct charges upon a recipient in lieu of
12 obtaining payment under Wisconsin works ~~unless is guilty of a Class H felony, except that,~~
13 notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be fined not
14 more than \$25,000. This subsection does not apply if benefits or services are not provided
15 under Wisconsin works and the recipient Wisconsin works participant is advised of this fact
16 prior to receiving the service.

17 **SECTION 8.** 49.141 (10) (b) of the statutes is repealed.

NOTE: SECTIONS 1 to 7 move criminal penalties relating to Wisconsin
works fraud to s. 946.90. Chapter 946 contains crimes against
government and its administration. Also, see SECTIONS 33 and 34.

18 **SECTION 9.** 49.4715 (title) of the statutes is created to read:

19 **49.4715 Reimbursement if retroactive eligibility.**

20 **SECTION 10.** 49.49 (1) of the statutes is renumbered 946.91 (2) and amended to read:

21 946.91 (2) ~~FRAUD. (a) Prohibited conduct.~~ No person, in connection with a medical
22 assistance program, may: Whoever does any of the following is guilty of a Class H felony,

1 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may
2 be fined not more than \$25,000:

3 ~~1. Knowingly and willfully make~~ (a) Intentionally makes or cause causes to be made
4 any false statement or representation of a material fact in any application for any medical
5 assistance benefit or payment.

6 ~~2. Knowingly and willfully make~~ (b) Intentionally makes or cause causes to be made
7 any false statement or representation of a material fact for use in determining rights eligibility
8 to such any medical assistance benefit or payment.

9 ~~3. (c)~~ Having knowledge of the occurrence of any event affecting the initial or
10 continued ~~right~~ eligibility to any such medical assistance benefit or payment or the initial or
11 continued ~~right~~ eligibility to any such benefit or payment of any other individual in whose
12 behalf he or she has applied for or is receiving such benefit or payment, ~~conceal~~ conceals or
13 ~~fail~~ fails to disclose such event with an intent to fraudulently ~~to~~ secure such benefit or payment
14 either in a greater amount or quantity than is due or when no such benefit or payment is
15 authorized.

16 ~~4. (d) Having made application~~ applied to receive any such medical assistance benefit
17 or payment for the use and benefit of another and having received it, knowingly and willfully
18 ~~convert such~~ converts the benefit or payment or any part thereof to a use ~~other than for the use~~
19 ~~and that is not for the~~ benefit of such other person.

20 **SECTION 11.** 49.49 (1) (c) of the statutes is amended to read:

21 49.49 (1) (c) *Damages.* If any person is convicted under ~~this subsection~~ s. 946.91 (2),
22 the state shall have a cause of action for relief against such person in an amount 3 times the
23 amount of actual damages sustained as a result of any excess payments made in connection
24 with the offense for which the conviction was obtained. Proof by the state of a conviction

1 under this section s. 946.91 (2) in a civil action shall be conclusive regarding the state's right
2 to damages and the only issue in controversy shall be the amount, if any, of the actual damages
3 sustained. Actual damages shall consist of the total amount of excess payments, any part of
4 which is paid by state funds. In any such civil action the state may elect to file a motion in
5 expedition of the action. Upon receipt of the motion, the presiding judge shall expedite the
6 action.

7 **SECTION 12.** 49.49 (2) (a) of the statutes is renumbered 946.91 (3) (a) and amended to
8 read:

9 946.91 (3) (a) ~~Solicitation or receipt of remuneration.~~ Any person who solicits or
10 receives any remuneration, including any kickback, bribe, or rebate, directly or indirectly,
11 overtly or covertly, in cash or in kind, money, goods, services, or any other thing of value in
12 return for referring an individual to a person for the furnishing or arranging for the furnishing
13 of any item or service for which payment may be made in whole or in part under a medical
14 assistance program, or in return for purchasing, leasing, ordering, or arranging for or
15 recommending purchasing, leasing, or ordering any good, facility, service, or item for which
16 payment may be made in whole or in part under a medical assistance program, is guilty of a
17 Class H felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h),
18 the person may be fined not more than \$25,000.

19 **SECTION 13.** 49.49 (2) (b) of the statutes is renumbered 946.91 (3) (b) and amended to
20 read:

21 946.91 (3) (b) ~~Offer or payment of remuneration.~~ Whoever offers or pays any
22 remuneration including any kickback, bribe, or rebate, directly or indirectly, overtly or
23 covertly, in cash or in kind money, goods, services, or any other thing of value to any person
24 to induce such person to refer an individual to a person for the furnishing or arranging for the

1 furnishing of any item or service for which payment may be made in whole or in part under
2 a medical assistance program, or to purchase, lease, order, or arrange for or recommend
3 purchasing, leasing, or ordering any good, facility, service or item for which payment may be
4 made in whole or in part under a medical assistance program, is guilty of a Class H felony,
5 except that, notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may
6 be fined not more than \$25,000.

7 **SECTION 14.** 49.49 (3) of the statutes is renumbered 946.91 (4) and amended to read:

8 946.91 (4) ~~FRAUDULENT CERTIFICATION OF FACILITIES.~~ No A person may who knowingly
9 and willfully ~~make~~ makes or ~~cause~~ causes to be made, or ~~induce~~ induces or ~~seek~~ seeks to
10 induce the making of, any false statement or representation of a material fact with respect to
11 the conditions or operation of any institution or facility in order that such institution or facility
12 may qualify either upon initial certification or upon recertification as a hospital, skilled
13 nursing facility, intermediate care facility, or home health agency. ~~A person who violates this~~
14 ~~subsection~~ is guilty of a Class H felony, except that, notwithstanding the maximum fine
15 specified in s. 939.50 (3) (h), the person may be fined not more than \$25,000.

COMMENT: Should “knowingly and willfully” be replaced with
“intentionally”?

16 **SECTION 15.** 49.49 (3m) (a) (intro.) and 1. of the statutes are renumbered 946.91 (5)
17 (intro.) and (a) and amended to read:

18 946.91 (5) **PROHIBITED PROVIDER CHARGES.** ~~(a)~~ No provider may knowingly impose
19 upon a medical assistance recipient charges in addition to payments received for services
20 under ss. 49.45 to 49.471 or knowingly impose direct charges upon a recipient in lieu of
21 obtaining payment under ss. 49.45 to 49.471 ~~except under the following conditions:~~ is guilty
22 of a Class H felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3)

1 (h), the person may be fined not more than \$25,000. This subsection does not apply to the
2 following circumstances:

3 1. (a) Benefits or services are not provided under s. 49.46 (2) or 49.471 (11) and the
4 medical assistance recipient is advised of this fact prior to receiving the service.

5 **SECTION 16.** 49.49 (3m) (a) 2. of the statutes is renumbered 49.4715.

NOTE: Moves a provision requiring a recipient who is eligible retroactively for medical assistance benefits to be reimbursed for any eligible payments made to a provider.

6 **SECTION 17.** 49.49 (3m) (a) 3. of the statutes is renumbered 946.91 (5) (c).

7 **SECTION 18.** 49.49 (3m) (b) of the statutes is repealed.

8 **SECTION 19.** 49.49 (4) of the statutes is renumbered 946.91 (6) and amended to read:

9 946.91 (6) ~~PROHIBITED FACILITY CHARGES.~~ (a) ~~No~~ A person who, in connection with the
10 medical assistance program when the cost of the services provided to the patient is paid for
11 in whole or in part by the state, ~~may knowingly and willfully charge, solicit, accept or receive~~
12 charges, solicits, accepts, or receives, in addition to any amount otherwise required to be paid
13 under a medical assistance program, any gift, money, donation or other consideration, other
14 than a charitable, religious or philanthropic contribution from an organization or from a person
15 unrelated to the patient, as a precondition of admitting a patient to a hospital, skilled nursing
16 facility or intermediate care facility, or as a requirement for the patient's continued stay in such
17 a facility.

COMMENT: Should "knowingly and willfully" be replaced with "intentionally"?

18 ~~(b) A person who violates this subsection~~ is guilty of a Class H felony, except that,
19 notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be fined not
20 more than \$25,000.

NOTE: SECTIONS 8 to 19 move criminal penalties relating to medical assistance to s. 946.91. Also, see SECTIONS 35 and 36.

1 **SECTION 20.** 49.688 (9) (b) and (c) of the statutes are repealed.

NOTE: Repeals criminal penalties for the senior care program. These offenses are treated as medical assistance fraud under s. 946.92 based on the definition of “medical assistance” in SECTION 35.

2 **SECTION 21.** 49.795 (1) of the statutes is renumbered 946.92 (1).

3 **SECTION 22.** 49.795 (2), (2m), (3), (4), (5), (6), and (7) of the statutes are renumbered
4 946.92 (2) (a), (b), (c), (d), (e), (f), and (g).

5 **SECTION 23.** 49.795 (8) (a) (intro.) of the statutes is repealed.

6 **SECTION 24.** 49.795 (8) (a) 1. of the statutes is renumbered 946.92 (3) (a) 1. and
7 amended to read:

8 946.92 (3) (a) 1. If the value of the food coupons does not exceed \$100, a the person
9 ~~who violates this section~~ may be fined not more than \$1,000 or imprisoned not more than one
10 year in the county jail, or both.

11 **SECTION 25.** 49.795 (8) (a) 2. of the statutes is renumbered 946.92 (3) (a) 2. and
12 amended to read:

13 946.92 (3) (a) 2. If the value of the food coupons exceeds \$100, but is less than \$5,000,
14 a the person ~~who violates this section~~ is guilty of a Class I felony.

15 **SECTION 26.** 49.795 (8) (b) (intro.) 1. and 2. of the statutes are renumbered 946.92 (3)
16 (b) (intro.), 1. and 2. and amended to read:

17 946.92 (3) (b) (intro.) For a 2nd or subsequent offense under ~~this section~~ sub. (2), the
18 penalties are as follows:

1 1. If the value of the food coupons does not exceed \$100, ~~a the person who violates this~~
2 ~~section~~ may be fined not more than \$1,000 or imprisoned not more than one year in the county
3 jail or both.

4 2. If the value of the food coupons exceeds \$100, but is less than \$5,000, a the person
5 ~~who violates this section~~ is guilty of a Class H felony.

6 **SECTION 27.** 49.795 (8) (c) of the statutes is renumbered 946.92 (3) (c) and amended
7 to read:

8 946.92 (3) (c) For any offense under this section, if the value of the food coupons is
9 \$5,000 or more, a the person ~~who violates this section~~ is guilty of a Class G felony.

10 **SECTION 28.** 49.795 (8) (d) 1. of the statutes is renumbered 946.92 (3) (d) 1. and
11 amended to read:

12 946.92 (3) (d) 1. (intro.) In addition to the penalties applicable under par. (a), ~~(b)~~ or (e)
13 ~~(b)~~, the court shall suspend a person who violates this section from participation in the food
14 stamp program as follows:

15 a. For a first offense under this section, not less than one year. ~~The court may extend~~
16 ~~the suspension by and~~ not more than ~~18 months~~ 2 1/2 years.

17 b. For a 2nd offense under this section, not less than 2 years. ~~The court may extend the~~
18 ~~suspension by and~~ not more than ~~18 months~~ 3 1/2 years.

19 **SECTION 29.** 49.795 (8) (d) 1m. of the statutes is renumbered 946.92 (3) (c) 1m. and
20 amended to read:

21 1m. In addition to the penalties applicable under par. (a), ~~(b)~~ or (e) ~~(b)~~, a court shall
22 permanently suspend from the food stamp program a person who has been convicted of an
23 offense under 7 USC 2024 (b) or (c) involving an item covered by 7 USC 2024 (b) or (c) having
24 a value of \$500 or more.

1 **SECTION 30.** 49.795 (8) (d) 2. of the statutes is renumbered 49.795 (9) and amended to
2 read:

3 **(9)** The A person may apply to the county department under s. 46.215, 46.22 or 46.23
4 or the federally recognized American Indian tribal governing body or, if the person is a
5 supplier, to the federal department of agriculture for reinstatement of benefits following the
6 a period of suspension imposed under s. 946.92, if the suspension is not permanent.

7 **SECTION 31.** 49.795 (8) (e) and (f) of the statutes are renumbered 946.92 (3) (d) and (e)
8 and amended to read:

9 946.92 **(3)** (d) 1. If a court finds that a person ~~traded~~ violated sub. (2) by trading a
10 controlled substance, as defined in s. 961.01 (4), for food coupons, the court shall suspend the
11 person from participation in the food stamp program as follows:

12 a. Upon the first such finding, for 2 years.

13 b. Upon the 2nd such finding, permanently.

14 2. If a court finds that a person ~~traded~~ violated sub. (2) by trading firearms, ammunition
15 or explosives for food coupons, the court shall suspend the person permanently from
16 participation in the food stamp program.

17 (e) Notwithstanding par. ~~(d)~~ (c), in addition to the penalties applicable under par. (a),
18 ~~(b)~~ or ~~(c)~~ (b), the court shall suspend from the food stamp program for a period of 10 years
19 a person who violates sub. (2) by fraudulently ~~misstates~~ misstating or ~~misrepresents~~
20 misrepresenting his or her identity or place of residence for the purpose of receiving multiple
21 benefits simultaneously under the food stamp program.

NOTE: SECTIONS 21 to 31 move criminal penalties relating to food share
 to s. 946.92. Also, see SECTION 37.

22 **SECTION 32.** 49.95 of the statutes is repealed.

1 **SECTION 33.** 946.90 (title) and (1) of the statutes are created to read:

2 **946.90 (title) Wisconsin works fraud. (1)** In this section:

3 (a) “Provider” means a Wisconsin works agency or a person that contracts with a
4 Wisconsin works agency, as defined in s. 49.001 (a), to provide services to Wisconsin works
5 participants.

6 (b) “Wisconsin works” means the assistance program for families with dependent
7 children, administered under ss. 49.141 to 49.161.

8 **SECTION 34.** 946.90 (2) of the statutes is created to read:

9 **946.90 (2)** A person who does any of the following is guilty of a Class A misdemeanor:

10 (a) Intentionally makes or causes to be made any false statement or representation of
11 a material fact in any application for or receipt of any Wisconsin works benefit or payment.

12 (b) Having knowledge of the occurrence of any event affecting the initial or continued
13 eligibility for a Wisconsin works benefit or payment under Wisconsin works, conceals or fails
14 to disclose that event with an intent to fraudulently secure a Wisconsin works benefit or
15 payment either in a greater amount or quantity than is due or when no such benefit or payment
16 is authorized.

17 **SECTION 35.** 946.91 (title) and (1) of the statutes are created to read:

18 **946.91 Medical Assistance Fraud. (1)** In this section:

19 (a) “Facility” means a nursing home or a community-based residential facility that is
20 licensed under s. 50.03 and that is certified by the department of health services as a provider
21 of medical assistance.

22 (b) “Medical assistance” means aid provided under subch. IV of ch. 49, except ss.
23 49.468 and 47.471, and aid provided under s. 49.688.

1 (c) "Provider" means a person, corporation, limited liability company, partnership,
2 incorporated business, or professional association, and any agent or employee thereof who
3 provides services under medical assistance.

4 **SECTION 36.** 946.91 (5) (b) of the statutes is created to read:

5 946.91 (5) (b) If an applicant for medical assistance is determined to be eligible
6 retroactively under s. 49.46 (1) (b), 49.47 (4) (d), or 49.471 and a provider bills the applicant
7 directly for services and benefits rendered during the retroactive period, if the provider, upon
8 notification of the applicant's retroactive eligibility, submits claims for payment under s. 49.45
9 for covered services or benefits rendered to the recipient during the retroactive period and
10 reimburses the recipient or other person who has made prior payment to the provider for
11 services provided to the recipient during the retroactive eligibility period, by the amount of
12 the prior payment made upon receipt of payment under s. 49.45.

13 **SECTION 37.** 946.92 (3) (a) (intro.) of the statutes is created to read:

14 946.92 (3) (a) Whoever violates sub. (2) is subject to the following penalties:

15 **SECTION 38.** 946.93 of the statutes is created to read:

16 **946.93 Public assistance fraud. (1)** In this section, "public assistance" means any aid
17 or benefit provided under ch. 49.

18 (2) Whoever intentionally makes or causes to be made any false statement or
19 representation of material fact in any application for or receipt of any benefit or payment for
20 public assistance is guilty of a Class H felony.

21 (3) No person may:

22 (a) Having knowledge of the occurrence or any event affecting the initial or continued
23 eligibility for a public assistance payment or benefit, conceal or fail to disclose that event with

1 an intent to fraudulently secure a public assistance benefit or payment, or payment either in
2 a greater amount or quantity than is due or when no such benefit or payment is authorized.

3 (b) Receive any income or assets or both and fail to notify the public assistance agency
4 within 10 days after receiving the income or assets or within the time period required under
5 the applicable public assistance program.

6 (c) Fail to notify the public assistance agency within 10 days or within the time period
7 required under the applicable public assistance program of any change in circumstances for
8 which notification by the recipient must be provided under current law.

9 (d) Receive a voucher under a public assistance program for goods or services and fail
10 to use the funding granted under the voucher as authorized by the public assistance agency.

11 (e) Whoever violates par. (a), (b), (c), or (d) is subject to the following penalties:

12 1. If the value of the payment or benefit does not exceed \$300, a forfeiture of not more
13 than \$1,000.

14 2. If the value of the payment or benefit is more than \$300 but does not exceed \$1,000,
15 the person may be fined not more than \$250 or imprisoned for not more than 6 months, or both.

16 3. If the value of the payment or benefit is more than \$1,000 but does not exceed \$2,000,
17 the person is guilty of a Class A misdemeanor.

18 4. If the value of the payment or benefit is more than \$2,000 but does not exceed \$5,000,
19 the person is guilty of a Class I felony.

20 5. If the value of the payment or benefit is more than \$5,000 but does not exceed
21 \$10,000, the person is guilty of a Class H felony.

22 6. If the value of the payment or benefit is more than \$10,000, the person is guilty of
23 a Class G felony.

1 (4) A person who obtains money, goods, services, or any other thing or value because
2 he or she sends or brings a person to a county department, tribal governing body, or a
3 Wisconsin works agency for the purpose of obtaining public assistance is guilty of a Class C
4 misdemeanor.

5 (5) (a) Whoever solicits or receives money, goods, services, or any other thing or value,
6 in return for referring an individual to a person for the furnishing or arranging for the
7 furnishing of any item or service for which a public assistance payment may be made in whole
8 or in part, or in return for purchasing, leasing, ordering, or arranging for or recommending
9 purchasing, leasing, or ordering any good, facility, service, or item for which public assistance
10 payment may be made in whole or in part, is guilty of a Class H felony, except that,
11 notwithstanding the maximum fine specified in s. 939.50 (3) (h), the person may be fined not
12 more than \$25,000.

13 (b) Whoever offers or pays money, goods, services, or any other thing or value to any
14 person to induce the person to refer an individual to a person for the furnishing or arranging
15 for the furnishing of any item or service for which public assistance payment may be made
16 in whole or in part, or to purchase, lease, order, or arrange for or recommend purchasing,
17 leasing, or ordering any good, facility, service or item for which public assistance payment
18 may be made in whole or in part, is guilty of a Class H felony, except that, notwithstanding
19 the maximum fine specified in s. 939.50 (3) (h), the person may be fined not more than
20 \$25,000.

21 (c) (intro.) This subsection does not apply to any of the following:

22 1. A discount or other reduction in price obtained by a provider of services or other
23 entity under chs. 46 to 51 and 58 if the reduction in price is properly disclosed and

1 appropriately reflected in the costs claimed or charges made by the provider or entity under
2 Wisconsin works.

3 2. An amount paid by an employer to an employee who has a bona fide employment
4 relationship with the employer for employment in the provision of covered items or services.

5 (6) Any person who makes any statement in a written application for public assistance
6 shall be considered to have made an admission as to the existence, correctness, or validity of
7 any fact stated. Such a statement shall be considered to be prima facie evidence against the
8 person making it in any complaint, information, or indictment, and in any action brought for
9 enforcement of any provision of this section or ch. 49.

NOTE: This SECTION creates the offense of public assistance fraud. This
provision is intended to replace the offenses and penalties currently set
forth in s. 49.95.

10 (END)