**False Claims Prevention - Deficit Reduction Act of 2005**

**Rhode Island Laws Addendum**

***Rhode Island False Claims Act (R.I.G.L. § 9-1.1-3)***

A person may not knowingly present or cause to be presented a false or fraudulent claim for payment or approval or knowingly make, use or cause to be made or used, a false record or statement material to a false or fraudulent claim. Under the Rhode Island FCA, “knowing” and “knowingly” means that a person “[h]as actual knowledge of the information; [a]cts in deliberate ignorance of the truth or falsity of the information; [a]cts in reckless disregard of the truth or falsity of the information; and [r]equires no proof of specific intent to defraud.” The Rhode Island False Claims Act provides for a civil penalty of not less than $5,000 and not more than $11,000, plus treble damages and costs.

***Medical Assistance Fraud/Medicaid Anti-Kickback Law (R.I.G.L. § 40-8.2-3)***

Outlines 18 unlawful intentional acts with respect to Medicaid fraud, including presenting or causing to be presented any materially false or fraudulent claim or cost report for the furnishing of services or merchandise for preauthorization or payment to the Rhode Island Medicaid program. The anti-kickback portion of this statute makes it unlawful to solicit, receive, offer, or pay any remuneration, including any kickback, bribe or rebate, directly or indirectly, in cash or in kind, to induce referrals from or to any person in return for furnishing of services or merchandise or in return for referring an individual to a person for the furnishing of any services or merchandise for which payment may be made, in whole or in part, under the Rhode Island Medicaid program. (For the “general” Rhode Island Anti-Kickback statute, see the Rhode Island Patient Protection Act – R.I.G.L. 5-48.1-3).

***Financial Interest Disclosure (R.I.G.L. § 23-17-46)***

Requires any health care facility which refers clients to another licensed health care facility or to a residential care/assisted living facility or to a certified adult day care program in which the referring entity has a financial interest to disclose in writing: (i) that the referring entity has a financial interest in the facility or provider to which the referral is being made and (ii) that the client has the option of seeking care from a different facility provider which is also licensed and/or certified by the state to provide similar services to the client, and must provide to the client a written list (prepared by the department) of all alternative licensed and/or certified facilities or providers. Non-compliance with this statute constitutes grounds to revoke, suspend or otherwise discipline the licensee, denial of an application for licensure by the director, or administrative penalties.

***Whistleblower Protection (R.I.G.L. § 28-50-3)***

The Rhode Island Whistleblowers’ Protection Act is codified in R.I.G.L. § 28-50-3. Furthermore, R.I.G.L. § 27-63-1 provides immunity for reporting health care fraud.