

§15. Civil liability of persons making false claims

Any person, firm, association, partnership, corporation or other legal entity who makes or causes to be made or presents or causes to be presented for payment or approval any claim upon or against the department or upon any funds administered by the department, knowing such claim to be materially false, fictitious or fraudulent, or who knowingly makes any false written statement or knowingly submits any false document material to a false, fictitious or fraudulent claim or who knowingly enters into any agreement, combination or conspiracy to defraud the department by obtaining the payment or approval of any materially false, fictitious or fraudulent claim or who knowingly makes or causes to be made a false written statement or record material to an obligation to pay or transmit money or property to the department or knowingly conceals or knowingly and improperly materially avoids or materially decreases an obligation to pay or transmit money or property to the department is, in addition to any criminal liability that may be provided by law, subject to civil suit by this State in the Superior Court for recovery of civil penalties to include the following: [PL 2013, c. 235, §1 (AMD).]

1. Restitution. Restitution for all excess benefits or payments made;
[PL 1981, c. 242, §2 (NEW).]

2. Payment of interest. Payment of interest on the amount of the excess benefits or payments as set forth in subsection 1 at the maximum legal rate in effect on the date the payment was made and computed for the date payment was made to the date on which repayment is made;
[PL 1981, c. 242, §2 (NEW).]

3. Payment of civil penalties. Payment of civil penalties, without regard to the amount in controversy, in an amount which is threefold the amount of such excess benefits or payments as set forth in subsection 1, but in any case not less than \$2,000 for each false claim for assistance, benefits or payments, or for each document submitted in support of such false claim, whichever is the greater amount;
[PL 1995, c. 191, §2 (AMD).]

4. Cost of the suit. Cost of the suit;
[PL 1995, c. 191, §3 (AMD).]

5. Costs of investigation. Costs of investigation; and
[PL 1995, c. 191, §4 (NEW).]

6. Attorney's fees. Attorney's fees.
[PL 1995, c. 191, §4 (NEW).]

For purposes of this section, "knowing" or "knowingly" means that, with respect to information, a person has actual knowledge of the information, acts in deliberate ignorance of the truth or falsity of the information or acts in reckless disregard of the truth or falsity of the information. A person may act knowingly without specific intent to defraud. [PL 2013, c. 235, §2 (NEW).]

SECTION HISTORY

PL 1981, c. 242, §2 (NEW). PL 1995, c. 191, §§1-4 (AMD). PL 2013, c. 235, §§1, 2 (AMD).

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