

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1435
(Representatives Beltz, Nelson, Schneider, Vigesaa, Weisz)
(Senators Hogan, Lee, K. Roers, Sickler)

AN ACT to create and enact section 50-24.8-11.1 of the North Dakota Century Code, relating to Medicaid fraud retention of records requirements; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 50-24.8-11.1 of the North Dakota Century Code is created and enacted as follows:

50-24.8-11.1. Failure to create, retain, and provide records - Penalty.

1. A person that submits a claim for or receives a payment for a good or service under the state's Medicaid program, at the time the good or service is provided, shall create and retain records as required by rule of the department and chapter 50-24.8.
2. A person that submits a claim for or receives payment for a good or service under the state's Medicaid program which willfully fails to create records at the time the service or good is provided, fails to maintain or retain the records for the length of time stated in the most current provider agreement applicable to that provider, fails to provide records when requested to do so by the department or attorney general, or destroys the records in a manner inconsistent with the most current provider agreement applicable to that provider, is guilty of a class A misdemeanor if the value of the payments, benefits, kickbacks, bribes, rebates, remuneration, services, or claims related to the failure to create, retain, or provide records or related to the destruction of records does not exceed ten thousand dollars and a class C felony if the value is greater than ten thousand dollars.
3. It is an affirmative defense to a prosecution under this section that the records in question were lost or destroyed in a natural disaster or by an act that did not result from the conduct of the defendant.
4. The consequences and punishments under subsections 6 and 7 of section 50-24.8-11 apply to this section.

Dennis E. Johnson
Speaker of the House

Tanner J. Kelly
President of the Senate

Bull J. Reich
Chief Clerk of the House

Brandi Mogen
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1435.

House Vote: Yeas 89 Nays 4 Absent 1

Senate Vote: Yeas 42 Nays 3 Absent 2

Bull J. Reich
Chief Clerk of the House

Received by the Governor at 10:08 AM. on March 21, 2023.

Approved at 11:02 AM. on March 22, 2023.

Doug Burgum
Governor

Filed in this office this 23rd day of March, 2023,
at 11:23 o'clock A. M.

Michael Howe
Secretary of State