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(Original Signature of Member)

112TH CONGRESS
1ST SESSION

H. R. _____

To amend title XI of the Social Security Act to expand the permissive exclusion from participation in Federal health care programs to individuals and entities affiliated with sanctioned entities.

IN THE HOUSE OF REPRESENTATIVES

Mr. HERGER introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title XI of the Social Security Act to expand the permissive exclusion from participation in Federal health care programs to individuals and entities affiliated with sanctioned entities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Strengthening Medi-
5 care Anti-Fraud Measures Act of 2011”.

1 **SEC. 2. PERMISSIVE EXCLUSION FROM FEDERAL HEALTH**
2 **CARE PROGRAMS EXPANDED TO INDIVID-**
3 **UALS AND ENTITIES AFFILIATED WITH SANC-**
4 **TIONED ENTITIES.**

5 Section 1128(b)(15) of the Social Security Act (42
6 U.S.C. 1320a–7(b)(15)) is amended to read as follows:

7 “(15) INDIVIDUALS OR ENTITIES AFFILIATED
8 WITH A SANCTIONED ENTITY.—(A) Any of the fol-
9 lowing:

10 “(i) Any individual who—

11 “(I) is a person with an ownership or
12 control interest (as defined in section
13 1124(a)(3)) in a sanctioned entity or an
14 affiliated entity of such sanctioned entity
15 (or was a person with such an interest at
16 the time of any of the conduct that formed
17 a basis for the conviction or exclusion de-
18 scribed in subparagraph (B)); and

19 “(II) knows or should know (as de-
20 fined in section 1128A(i)(7)) (or knew or
21 should have known) of such conduct.

22 “(ii) Any individual who is an officer or
23 managing employee (as defined in section
24 1126(b)) of a sanctioned entity or affiliated en-
25 tity of such sanctioned entity (or was such an
26 officer or managing employee at the time of any

1 of the conduct that formed a basis for the con-
2 viction or exclusion described in subparagraph
3 (B)).

4 “(iii) Any affiliated entity of a sanctioned
5 entity.

6 “(B) For purposes of this paragraph, the term
7 ‘sanctioned entity’ means an entity—

8 “(i) that has been convicted of any offense
9 described in subsection (a) or in paragraph (1),
10 (2), or (3) of this subsection; or

11 “(ii) that has been excluded from partici-
12 pation under a program under title XVIII or
13 under a State health care program.

14 “(C)(i) For purposes of this paragraph, the
15 term ‘affiliated entity’ means, with respect to a
16 sanctioned entity—

17 “(I) an entity affiliated with such sanc-
18 tioned entity; and

19 “(II) an entity that was so affiliated at the
20 time of any of the conduct that formed the
21 basis for the conviction or exclusion described
22 in subparagraph (B).

23 “(ii) For purposes of clause (i), an entity
24 shall be treated as affiliated with another entity
25 if—

1 “(I) one of the entities is a person
2 with an ownership or control interest (as
3 defined in section 1124(a)(3)) in the other
4 entity (or had such an interest at the time
5 of any of the conduct that formed a basis
6 for the conviction or exclusion described in
7 subparagraph (B));

8 “(II) there is a person with an owner-
9 ship or control interest (as defined in sec-
10 tion 1124(a)(3)) in both entities (or had
11 such an interest at the time of any of the
12 conduct that formed a basis for the convic-
13 tion or exclusion described in subpara-
14 graph (B)); or

15 “(III) there is a person who is an offi-
16 cer or managing employee (as defined in
17 section 1126(b)) of both entities (or was
18 such an officer or managing employee at
19 the time of any of the conduct that formed
20 a basis for the conviction or exclusion de-
21 scribed in subparagraph (B)).”.

22 **SEC. 3. BUDGETARY EFFECTS OF PAYGO LEGISLATION.**

23 The budgetary effects of this Act, for the purpose of
24 complying with the Statutory Pay-As-You-Go Act of 2010,
25 shall be determined by reference to the latest statement

1 titled “Budgetary Effects of PAYGO Legislation” for this
2 Act, submitted for printing in the Congressional Record
3 by the Chairman of the House Budget Committee, pro-
4 vided that such statement has been submitted prior to the
5 vote on passage.