

STATE OF ARIZONA

As of July 1, 2007, there is no civil statute in Arizona allowing individuals (private individuals or employees) to file false claims actions, in the name of the State, upon health care providers. However, the state has the following civil and criminal statutes allowing the State to take action itself against false claims from health care providers. Civil Statute. Under Section 36-2918 of Title 36, Public Health and Safety, of Arizona Revised Statutes, entitled "Prohibited Acts; penalties; subpoena power", a health care provider ("HCP") is liable for a civil penalty not to exceed \$2,000 for each "false claim" to the State or its contractor for medical services and an assessment not to exceed twice the amount claimed for the service. "False claims" under this statute include, without limitation, the following:

1. A claim for a medical or other item or service that the HCP knows or has reason to know was not provided as claimed.
2. A claim for a medical or other item or service that the HCP knows or has reason to know is false or fraudulent.
3. A claim for payment that the HCP or patient knows or has reason to know may not be made because:
 - (a) The HCP or patient was terminated or suspended from participation in the program on the date for which the claim is being made.
 - (b) The item or service claimed is substantially in excess of the needs of the individual or of a quality that fails to meet professionally recognized standards of health care.
 - (c) The patient was not a member on the date for which the claim is being made.
4. A claim for a physician's service or an item or service incidental to a physician's service, by a person who knows or has reason to know that the individual who furnished or supervised the furnishing of the service:
 - (a) Was not licensed as a physician.
 - (b) Obtained the license through a misrepresentation of material fact.
 - (c) Represented to the patient at the time the service was furnished that the physician was certified in a medical specialty by a medical specialty board if the individual was not certified.
5. A request for payment that the HCP knows or has reason to know is in violation of an agreement between the HCP and the State.

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2 Criminal Statutes.

Under Section 13-1802 of Title 13, Criminal Code, of Arizona Revised Statutes, entitled "Theft; classification", a person who knowingly obtains services or property of another person commits theft and is guilty of a felony, except where the amount involved is less than \$1,000 in which the theft is generally a misdemeanor.

Under Section 13-2002 of Title 13, Criminal Code, of Arizona Revised Statutes, entitled "Forgery; classification", a person commits forgery and is guilty of a felony if, with intent to defraud, a person:

1. Falsely makes, completes or alters a written instrument; or
2. Knowingly possesses a forged instrument; or
3. Offers or presents, whether accepted or not, a forged instrument or one that contains false information.

Under Section 13-2310 of Title 13, Criminal Code, of Arizona Revised Statutes, entitled "Fraudulent schemes and artifices; classification; definition", a person who knowingly obtains any benefit by means of false or fraudulent pretenses, representations, promises or material omissions upon any other person is guilty of a felony.

Under Section 13-2311 of Title 13, Criminal Code, of Arizona Revised Statutes, entitled "Fraudulent schemes and practices; willful concealment; classification", in any matter related to the business conducted by any department or agency of the State or any political subdivision thereof, any person who, pursuant to a scheme to defraud or deceive, knowingly falsifies, conceals or covers up a material fact by any trick, scheme or device or makes or uses any false writing or document knowing such writing or document contains any false, fictitious or fraudulent statement or entry is guilty of a felony.