

[Ariz. Rev. Stat. § 13-3713.]

§ 13-3713. Consideration for referral of patient, client or customer; fraud; violation; classification: Criminal Code -- Miscellaneous Offenses

A. Except for payments from a medical researcher to a physician licensed pursuant to title 32, chapter 13 or 17 in connection with identifying and monitoring patients for a clinical trial regulated by the United States food and drug administration, a person who knowingly offers, delivers, receives or accepts any rebate, refund, commission, preference or other consideration as compensation for referring a patient, client or customer to any individual, pharmacy, laboratory, clinic or health care institution providing medical or health-related services or items pursuant to title 11, chapter 2, article 7 or title 36, chapter 29, other than specifically provided for in accordance with title 11, chapter 2, article 7 or title 36, chapter 29, is guilty of:

1. A class 3 felony if the consideration had a value of one thousand dollars or more.
2. A class 4 felony if the consideration had a value of more than one hundred dollars but less than one thousand dollars.
3. A class 6 felony if the consideration had a value of one hundred dollars or less.

B. A person who knowingly presents false information or misrepresents or conceals a material fact on an application for medical or health coverage pursuant to title 36, chapter 29 or section 11-291 or who knowingly fails to notify the county of residence of a change in conditions that, if notification had been made, would have resulted in termination of eligibility or change in eligibility status for medical or health coverage pursuant to title 36, chapter 29 or section 11-291 is guilty of a class 6 felony.

C. A person who knowingly obtains or attempts to obtain medical or health coverage pursuant to title 36, chapter 29 or section 11-291 by the use of any means of identification not authorized by the Arizona health care cost containment system administration or by the use of any means of identification authorized by the Arizona health care cost containment system administration that has been or would have been fraudulently acquired is guilty of:

1. A class 5 felony if the value of the medical or health coverage or attempted coverage is one thousand dollars or more.
2. A class 6 felony if the value of the medical or health coverage or attempted coverage exceeds one hundred dollars but is less than one thousand dollars.
3. A class 1 misdemeanor if the value of the medical or health coverage or attempted coverage is one hundred dollars or less.

D. A person who knowingly counterfeits or alters any means of identification or uses, transfers, acquires or possesses counterfeited or altered identification for the purpose of fraudulently obtaining medical or health coverage pursuant to title 36, chapter 29 or section 11-291 is guilty of a class 4 felony.

E. A person lawfully entitled to medical or health coverage pursuant to title 36, chapter 29 or section 11-291 who knowingly furnishes, gives or lends that person's means of identification to any person for the purpose of fraudulently obtaining medical or health coverage pursuant to title 36, chapter 29 or section 11-291 is guilty of a class 6 felony.

F. A person who knowingly aids or abets another person pursuant to section 13-301, 13-302 or 13-303 in the commission of an offense under this section or section 36-2905.04 is guilty of a class 5 felony.

G. The county attorney of the county in which the violation occurs and the attorney general have concurrent jurisdiction to prosecute all violations specified in this section.